

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT
OF 2001

SEPTEMBER 10, 2001.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. BOEHNER, from the Committee on Education and the
Workforce, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 1900]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 1900) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Juvenile Justice and Delinquency Prevention Act of 2001”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purpose.
- Sec. 4. Definitions.
- Sec. 5. Concentration of Federal effort.
- Sec. 6. Coordinating Council on Juvenile Justice and Delinquency Prevention.
- Sec. 7. Annual report.
- Sec. 8. Allocation.
- Sec. 9. State plans.
- Sec. 10. Juvenile delinquency prevention block grant program.
- Sec. 11. Research; evaluation; technical assistance; training.
- Sec. 12. Demonstration projects.
- Sec. 13. Authorization of appropriations.
- Sec. 14. Administrative authority.
- Sec. 15. Use of funds.

Sec. 16. Limitation on use of funds.
 Sec. 17. Rules of construction.
 Sec. 18. Leasing surplus Federal property.
 Sec. 19. Issuance of rules.
 Sec. 20. Content of materials.
 Sec. 21. Technical and conforming amendments.
 Sec. 22. Effective date; application of amendments.

SEC. 2. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

“FINDINGS

“SEC. 101. (a) The Congress finds the following:

“(1) Although the juvenile violent crime arrest rate in 1999 was the lowest in the decade, there remains a consensus that the number of crimes and the rate of offending by juveniles nationwide is still too high.

“(2) According to the Office of Juvenile Justice and Delinquency Prevention, allowing 1 youth to leave school for a life of crime and of drug abuse costs society \$1,700,000 to \$2,300,000 annually.

“(3) One in every 6 individuals (16.2 percent) arrested for committing violent crime in 1999 was less than 18 years of age. In 1999, juveniles accounted for 9 percent of murder arrests, 17 percent of forcible rape arrests, 25 percent of robbery arrest, 14 percent of aggravated assault arrests, and 24 percent of weapons arrests.

“(4) More than ½ of juvenile murder victims are killed with firearms. Of the nearly 1,800 murder victims less than 18 years of age, 17 percent of the victims less than 13 years of age were murdered with a firearm, and 81 percent of the victims 13 years of age or older were killed with a firearm.

“(5) Juveniles accounted for 13 percent of all drug abuse violation arrests in 1999. Between 1990 and 1999, juvenile arrests for drug abuse violations rose 132 percent.

“(6) Over the last 3 decades, youth gang problems have increased nationwide. In the 1970’s, 19 States reported youth gang problems. By the late 1990’s, all 50 States and the District of Columbia reported gang problems. For the same period, the number of cities reporting youth gang problems grew 843 percent, and the number of counties reporting gang problems increased more than 1,000 percent.

“(7) According to a national crime survey of individuals 12 years of age or older during 1999, those 12 to 19 years old are victims of violent crime at higher rates than individuals in all other age groups. Only 30.8 percent of these violent victimizations were reported by youth to police in 1999.

“(8) One-fifth of juveniles 16 years of age who had been arrested were first arrested before attaining 12 years of age. Juveniles who are known to the juvenile justice system before attaining 13 years of age are responsible for a disproportionate share of serious crimes and violence.

“(9) The increase in the arrest rates for girls and young juvenile offenders has changed the composition of violent offenders entering the juvenile justice system.

“(10) These problems should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

“(A) quality prevention programs that—

“(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

“(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

“(B) programs that assist in holding juveniles accountable for their actions and in developing the competencies necessary to become responsible and productive members of their communities, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

“(11) Coordinated juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter can help prevent juveniles from becoming delinquent and help delinquent youth return to a productive life.

“(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts and which provide opportunities for competency development. Without true reform, the juvenile justice system will not be able to overcome the challenges it will face in the coming years when the number of juveniles is expected to increase by 18 percent between 2000 and 2030.”.

SEC. 3. PURPOSE.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

“PURPOSES

“SEC. 102. The purposes of this title and title II are—

“(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

“(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

“(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.”.

SEC. 4. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3) by striking “to help prevent juvenile delinquency” and inserting “designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior”,

(2) in paragraph (4) by inserting “title I of” before “the Omnibus” each place it appears,

(3) in paragraph (7) by striking “the Trust Territory of the Pacific Islands,”,

(4) in paragraph (12)(B) by striking “, of any nonoffender,”,

(5) in paragraph (13)(B) by striking “, any nonoffender,”,

(6) in paragraph (14) by inserting “drug trafficking,” after “assault,”,

(7) in paragraph (16)—

(A) in subparagraph (A) by adding “and” at the end, and

(B) by striking subparagraph (C),

(8) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs

(A), (B), and (C), respectively, and

(B) by striking “and” at the end,

(9) in paragraph (23) by striking the period at the end and inserting a semicolon, and

(10) by adding at the end the following:

“(24) the term ‘graduated sanctions’ means an accountability-based, graduated series of sanctions (including incentives, treatment, and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

“(25) the term ‘prohibited physical contact’ means—

“(i) any physical contact between a juvenile and an adult inmate; and

“(ii) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate;

“(26) the term ‘sustained oral and visual contact’ means the imparting or interchange of speech by or between an adult inmate and a juvenile, or clear visual contact between an adult inmate and a juvenile in close proximity, but does not include—

“(A) brief communication or brief visual contact that is accidental or incidental; or

“(B) sounds or noises that cannot reasonably be considered to be speech;

“(27) the term ‘adult inmate’ means an individual who—

- “(A) has reached the age of full criminal responsibility under applicable State law; and
- “(B) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense;
- “(28) the term ‘violent crime’ means—
 - “(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or
 - “(B) aggravated assault committed with the use of a firearm;
- “(29) the term ‘collocated facilities’ means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and
- “(30) the term ‘related complex of buildings’ means 2 or more buildings that share—
 - “(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or
 - “(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.”.

SEC. 5. CONCENTRATION OF FEDERAL EFFORT.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

- (1) in subsection (b)—
 - (A) in paragraph (3) by striking “and of the prospective” and all that follows through “administered”,
 - (B) in paragraph (5) by striking “parts C and D” each place it appears and inserting “parts D and E”, and
 - (C) by amending paragraph (7) to read as follows:
 - “(7) not later than 1 year after the date of the enactment of this paragraph, issue model standards for providing mental health care to incarcerated juveniles.”,
 - (2) in subsection (c) by striking “and reports” and all that follows through “this part”, and inserting “as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency”,
 - (3) by striking subsection (i), and
 - (4) by redesignating subsection (h) as subsection (f).

SEC. 6. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206(c)(2)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(c)(2)(B)) is amended by striking “Education and Labor” and inserting “Education and the Workforce”.

SEC. 7. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended by striking paragraphs (4) and (5), and inserting the following:

- “(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.”.

SEC. 8. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

- (1) in subsection (a)—
 - (A) in paragraph (2)—
 - (i) in subparagraph (A)—
 - (I) by striking “(other than parts D and E)”,
 - (II) by striking “amount, up to \$400,000,” and inserting “amount up to \$400,000”;
 - (III) by striking “1992” the 1st place it appears and inserting “2000,”
 - (IV) by striking “1992” the last place it appears and inserting “2000”,
 - (V) by striking “the Trust Territory of the Pacific Islands,”, and
 - (VI) by striking “amount, up to \$100,000,” and inserting “amount up to \$100,000”,
 - (ii) in subparagraph (B)—
 - (I) by striking “(other than part D)”,
 - (II) by striking “\$400,000” and inserting “\$600,000”,
 - (III) by striking “or such greater amount, up to \$600,000” and all that follows through “section 299(a) (1) and (3)”,

- (IV) by striking “the Trust Territory of the Pacific Islands,”
- (V) by striking “amount, up to \$100,000,” and inserting “amount up to \$100,000”, and
- (VI) by striking “1992” and inserting “2000”,
- (B) in paragraph (3)—
 - (i) by striking “allot” and inserting “allocate”, and
 - (ii) by striking “1992” each place it appears and inserting “2000”, and
- (2) in subsection (b) by striking “the Trust Territory of the Pacific Islands,”.

SEC. 9. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

- (1) in subsection (a)—
 - (A) in the 2d sentence by striking “and challenge” and all that follows through “part E”, and inserting “, projects, and activities”,
 - (B) in paragraph (3)—
 - (i) by striking “, which—” and inserting “that—”,
 - (ii) in subparagraph (A)—
 - (I) by striking “not less” and all that follows through “33”, and inserting “the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and”,
 - (II) by inserting “, in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws” after “State”,
 - (III) in clause (i) by striking “or the administration of juvenile justice” and inserting “, the administration of juvenile justice, or the reduction of juvenile delinquency”,
 - (IV) in clause (ii) by striking “include—” and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

“represent a multidisciplinary approach to addressing juvenile delinquency and may include—

 - “(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and
 - “(II) such other individuals as the chief executive officer considers to be appropriate; and”, and
 - (V) by striking clauses (iv) and (v),
 - (iii) in subparagraph (D)—
 - (I) in clause (i) by inserting “and” at the end,
 - (II) in clause (ii) by striking “paragraphs” and all that follows through “part E”, and inserting “paragraphs (11), (12), and (13)”, and
 - (III) by striking clause (iii), and
 - (iv) in subparagraph (E) by striking “title—” and all that follows through “(ii)” and inserting “title,”,
 - (C) in paragraph (5)—
 - (i) in the matter preceding subparagraph (A) by striking “, other than” and inserting “reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding”, and
 - (ii) in subparagraph (C) by striking “paragraphs (12)(A), (13), and (14)” and inserting “paragraphs (11), (12), and (13)”,
 - (D) by striking paragraph (6),
 - (E) in paragraph (7) by inserting “, including in rural areas” before the semicolon at the end,
 - (F) in paragraph (8)—
 - (i) in subparagraph (A)—
 - (I) by striking “for (i)” and all that follows through “relevant jurisdiction”, and inserting “for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State”, and
 - (II) by striking “of the jurisdiction; (ii)” and all that follows through the semicolon at the end, and inserting “of the State; and”,
 - (ii) by amending subparagraph (B) to read as follows:

“(B) contain—

“(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

“(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

“(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system, including information on how such plan is being implemented and how such services will be targeted to those juveniles in such system who are in greatest need of such services;”, and

(iii) by striking subparagraphs (C) and (D),

(G) by amending paragraph (9) to read as follows:

“(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;”,

(H) in paragraph (10)—

(i) in subparagraph (A)—

(I) by striking “, specifically” and inserting “including”,

(II) by striking clause (i), and

(III) redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively,

(ii) by amending subparagraph (D) to read as follows:

“(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;”,

(iii) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii), and

(II) by striking “juveniles, provided” and all that follows through “provides; and”, and inserting the following:

“juveniles—

“(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

“(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and”,

(iv) by amending subparagraph (F) to read as follows:

“(F) expanding the use of probation officers—

“(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

“(ii) to ensure that juveniles follow the terms of their probation;”,

(v) by amending subparagraph (G) to read as follows:

“(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, Department of Defense personnel, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;”,

(vii) in subparagraph (H) by striking “handicapped youth” and inserting “juveniles with disabilities”,

(viii) by striking subparagraph (K),

(ix) in subparagraph (L)—

(I) in clause (iv) by adding “and” at the end,

(II) in clause (v) by striking “and” at the end, and

(III) by striking clause (vi),

(x) in subparagraph (M) by striking “boot camps”,

(xi) by amending subparagraph (N) to read as follows:

“(N) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;”,

(xii) in subparagraph (O)—

(I) in striking “cultural” and inserting “other”, and

(II) by striking the period at the end and inserting a semicolon,

(xiii) by redesignating subparagraphs (L), (M), (N), and (O) as subparagraphs (K), (L), (M), and (N), respectively; and

(xiv) by adding at the end the following:

“(O) programs designed to prevent and to reduce hate crimes committed by juveniles;

“(P) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

“(Q) community-based programs that provide follow-up post-placement services to adjudicated juveniles, to promote successful reintegration into the community;

“(R) projects designed to develop and implement programs to protect the rights of juveniles affected by the juvenile justice system; and

“(S) programs designed to provide mental health services for incarcerated juveniles suspected to be in need of such services, including assessment, development of individualized treatment plans, and discharge plans.”,

(I) by amending paragraph (12) to read as follows:

“(12) shall, in accordance with rules issued by the Administrator, provide that—

“(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

“(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

“(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

“(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

“(B) juveniles—

“(i) who are not charged with any offense; and

“(ii) who are—

“(I) aliens; or

“(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;”,

(J) by amending paragraph (13) to read as follows:

“(13) provide that—

“(A) juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have prohibited physical contact or sustained oral and visual contact with adult inmates; and

“(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles;”,

(K) by amending paragraph (14) to read as follows:

“(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

“(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

“(i) for processing or release;

“(ii) while awaiting transfer to a juvenile facility; or

“(iii) in which period such juveniles make a court appearance;

and only if such juveniles do not have prohibited physical contact or sustained oral and visual contact with adults inmates and only if there is in effect in the State a policy that requires individuals who work with both such juveniles and adult inmates in collocated facilities have been trained and certified to work with juveniles;

“(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup—

“(i) in which—

“(I) such juveniles do not have prohibited physical contact or sustained oral and visual contact with adults inmates; and

“(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and adults inmates in collocated facilities have been trained and certified to work with juveniles; and

“(ii) that—

“(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

“(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

“(III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

“(C) juveniles who are accused of nonstatus offenses and who are detained not to exceed 20 days in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

“(i) such jail or lockup—

“(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

“(II) has no existing acceptable alternative placement available;

“(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved, in consultation with the counsel representing the juvenile, consents to detaining such juvenile in accordance with this subparagraph and has the right to revoke such consent at any time;

“(iii) the juvenile has counsel, and the counsel representing such juvenile—

“(I) consults with the parents of the juvenile to determine the appropriate placement of the juvenile; and

“(II) has an opportunity to present the juvenile’s position regarding the detention involved to the court before the court approves such detention;

“(iv) the court hears from the juvenile before court approval of such placement; and

“(v) detaining such juvenile in accordance with this subparagraph is—

“(I) approved in advance by a court with competent jurisdiction that has determined that such placement is in the best interest of such juvenile; and

“(II) required to be reviewed periodically and in the presence of the juvenile, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention.”

(L) in paragraph (15)—

(i) by striking “paragraph (12)(A), paragraph (13), and paragraph (14)” and inserting “paragraphs (11), (12), and (13)”, and

(ii) by striking “paragraph (12)(A) and paragraph (13)” and inserting “paragraphs (11) and (12)”,

(M) in paragraph (16) by striking “mentally, emotionally, or physically handicapping conditions” and inserting “disability”,

(N) by amending paragraph (19) to read as follows:

“(19) provide assurances that—

“(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

“(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

“(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved.”

(O) by amending paragraph (22) to read as follows:

“(22) provide that the State agency designated under paragraph (1) will—

“(A) to the extent practicable give priority in funding to programs and activities that are based on rigorous, systematic, and objective research that is scientifically based;

“(B) from time to time, but not less than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifica-

tions in the plan, including the survey of State and local needs, that it considers necessary; and

“(C) not expend funds to carry out a program if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted by such recipient to the State agency;”,

(P) by amending paragraph (23) to read as follows:

“(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;”,

(Q) by amending paragraph (24) to read as follows:

“(24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

“(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

“(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

“(C) not later than 48 hours during which such juvenile is so held—

“(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

“(ii) such court shall conduct a hearing to determine—

“(I) whether there is reasonable cause to believe that such juvenile violated such order; and

“(II) the appropriate placement of such juvenile pending disposition of the violation alleged;”,

(R) in paragraph (25)—

(i) by striking “1992” and inserting “2000”, and

(ii) by striking the period at the end and inserting a semicolon,

(S) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively, and

(T) by adding at the end the following:

“(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the State advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units;

“(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court;

“(27) establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing and implementing treatment plans for juvenile offenders; and

“(28) provide assurances that juvenile offenders whose placement is funded through section 472 of the Social Security Act (42 U.S.C. 672) receive the protections specified in section 471 of such Act (42 U.S.C. 671), including a case plan and case plan review as defined in section 475 of such Act (42 U.S.C. 675).”,

(2) by amending subsection (c) to read as follows:

“(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a) in any fiscal year beginning after September 30, 2001, then—

“(1) subject to paragraph (2), the amount allocated to such State under section 222 for the subsequent fiscal year shall be reduced by not less than 12.5 percent for each such paragraph with respect to which the failure occurs, and

“(2) the State shall be ineligible to receive any allocation under such section for such fiscal year unless—

“(A) the State agrees to expend 50 percent of the amount allocated to the State for such fiscal year to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or

“(B) the Administrator determines that the State—

“(i) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

“(ii) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.”,

(3) in subsection (d)—

(A) by striking “allotment” and inserting “allocation”, and

(B) by striking “subsection (a) (12)(A), (13), (14) and (23)” each place it appears and inserting “paragraphs (11), (12), (13), and (22) of subsection (a)”, and

(4) by adding at the end the following:

“(e) Notwithstanding any other provision of law, the Administrator shall establish appropriate administrative and supervisory board membership requirements for a State agency designated under subsection (a)(1) and permit the State advisory group appointed under subsection (a)(3) to operate as the supervisory board for such agency, at the discretion of the chief executive officer of the State.”.

SEC. 10. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking parts C, D, E, F, G, and H,

(2) by striking the 1st part I,

(3) by redesignating the 2d part I as part F, and

(4) by inserting after part B the following:

“PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

“SEC. 241. AUTHORITY TO MAKE GRANTS.

“(a) GRANTS TO ELIGIBLE STATES.—The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

“(1) projects that provide treatment (including treatment for mental health problems) to juvenile offenders, and juveniles who are at risk of becoming juvenile offenders, who are victims of child abuse or neglect or who have experienced violence in their homes, at school, or in the community, and to their families, in order to reduce the likelihood that such juveniles will commit violations of law;

“(2) educational projects or supportive services for delinquent or other juveniles—

“(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

“(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

“(C) to assist in identifying learning difficulties (including learning disabilities);

“(D) to prevent unwarranted and arbitrary suspensions and expulsions;

“(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

“(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other juveniles with disabilities;

“(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; or

“(H) to provide services to juveniles with serious mental and emotional disturbances (SED) in need of mental health services;

“(3) projects which expand the use of probation officers—

“(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

“(B) to ensure that juveniles follow the terms of their probation;

“(4) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

“(5) community-based projects and services (including literacy and social service programs) which work with juvenile offenders and juveniles who are at risk

of becoming juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

“(6) projects designed to provide for the treatment (including mental health services) of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

“(7) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

“(8) projects which provide for an initial intake screening of each juvenile taken into custody—

“(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

“(B) to provide appropriate interventions (including mental health services) to prevent such juvenile from committing subsequent offenses;

“(9) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

“(10) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies (including collaboration on appropriate prenatal care for pregnant juvenile offenders), private nonprofit agencies, and public recreation agencies offering services to juveniles;

“(11) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

“(12) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

“(13) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

“(14) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

“(15) programs that focus on the needs of young girls at-risk of delinquency or status offenses;

“(16) projects which provide for—

“(A) an assessment by a qualified mental health professional of incarcerated juveniles who are suspected to be in need of mental health services;

“(B) the development of an individualized treatment plan for those incarcerated juveniles determined to be in need of such services;

“(C) the inclusion of a discharge plan for incarcerated juveniles receiving mental health services that addresses aftercare services; and

“(D) all juveniles receiving psychotropic medications to be under the care of a licensed mental health professional;

“(17) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

“(18) programs related to the establishment and maintenance of a school violence hotline, based on a public-private partnership, that students and parents can use to report suspicious, violent, or threatening behavior to local school and law enforcement authorities;

“(19) programs (excluding programs to purchase guns from juveniles) designed to reduce the unlawful acquisition and illegal use of guns by juveniles, including partnerships between law enforcement agencies, health professionals,

school officials, firearms manufacturers, consumer groups, faith-based groups and community organizations;

“(20) programs designed to prevent animal cruelty by juveniles and to counsel juveniles who commit animal cruelty offenses, including partnerships among law enforcement agencies, animal control officers, social services agencies, and school officials;

“(21) programs that provide suicide prevention services for incarcerated juveniles and for juveniles leaving the incarceration system;

“(22) programs to establish partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that reflect the values of parents, teachers, and local communities, and incorporate elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness;

“(23) programs that foster strong character development in at-risk juveniles and juveniles in the juvenile justice system;

“(24) local programs that provide for immediate psychological evaluation and follow-up treatment (including evaluation and treatment during a mandatory holding period for not less than 24 hours) for juveniles who bring a gun on school grounds without permission from appropriate school authorities; and

“(25) other activities that are likely to prevent juvenile delinquency.

“(b) GRANTS TO ELIGIBLE INDIAN TRIBES.—The Administrator may make grants to eligible Indian tribes from funds allocated under section 242(b), to carry out projects of the kinds described in subsection (a).

“SEC. 242. ALLOCATION.

“(a) ALLOCATION AMONG ELIGIBLE STATES.—Subject to subsection (b), funds appropriated to carry out this part shall be allocated among eligible States proportionately based on the population that is less than 18 years of age in the eligible States.

“(b) ALLOCATION AMONG INDIAN TRIBES COLLECTIVELY.—Before allocating funds under subsection (a) among eligible States, the Administrator shall allocate among eligible Indian tribes as determined under section 246(a), an aggregate amount equal to the amount such tribes would be allocated under subsection (a), and without regard to this subsection, if such tribes were treated collectively as an eligible State.

“SEC. 243. ELIGIBILITY OF STATES.

“(a) APPLICATION.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

“(1) An assurance that the State will use—

“(A) not more than 5 percent of such grant, in the aggregate, for—

“(i) the costs incurred by the State to carry out this part; and

“(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

“(B) the remainder of such grant to make grants under section 244.

“(2) An assurance that, and a detailed description of how, such grant will supplement, and not supplant State and local efforts to prevent juvenile delinquency.

“(3) An assurance that such application was prepared after consultation with and participation by the State advisory group, community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

“(4) An assurance that the State advisory group will be afforded the opportunity to review and comment on all grant applications submitted to the State agency.

“(5) An assurance that each eligible entity described in section 244 that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

“(6) Such other information and assurances as the Administrator may reasonably require by rule.

“(b) APPROVAL OF APPLICATIONS.—

“(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

“(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

- “(A)(i) the State submitted a plan under section 223 for such fiscal year; and
- “(ii) such plan is approved by the Administrator for such fiscal year; or
- “(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

“SEC. 244. GRANTS FOR LOCAL PROJECTS.

“(a) GRANTS BY STATES.—Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State, and reviewed by the State advisory group, to carry out projects and activities described in section 241.

“(b) SPECIAL CONSIDERATION.—For purposes of making grants under subsection (a), the State shall give special consideration to eligible entities that—

“(1) propose to carry out such projects in geographical areas in which there is—

“(A) a disproportionately high level of serious crime committed by juveniles; or

“(B) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

“(2)(A) agreed to carry out such projects or activities that are multidisciplinary and involve more than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles; or

“(B) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

“(3) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

“SEC. 245. ELIGIBILITY OF ENTITIES.

“(a) ELIGIBILITY.—Except as provided in subsection (b), to be eligible to receive a grant under section 244, a unit of general purpose local government, acting jointly with not fewer than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles, shall submit to the State an application that contains the following:

“(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (25) of section 241(a) as specified in, such application.

“(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

“(3) A statement identifying the research (if any) such entity relied on in preparing such application.

“(b) LIMITATION.—If an eligible entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.

“SEC. 246. GRANTS TO INDIAN TRIBES.

“(a) ELIGIBILITY.—

“(1) APPLICATION.—To be eligible to receive a grant under section 241(b), an Indian tribe shall submit to the Administrator an application in accordance with this section, in such form and containing such information as the Administrator may require by rule.

“(2) PLANS.—Such application shall include a plan for conducting programs, projects, and activities described in section 241(a), which plan shall—

“(A) provide evidence that the applicant Indian tribe performs law enforcement functions (as determined by the Secretary of the Interior);

“(B) identify the juvenile justice and delinquency problems and juvenile delinquency prevention needs to be addressed by activities conducted with funds provided by the grant for which such application is submitted, by the

Indian tribe in the geographical area under the jurisdiction of the Indian tribe;

“(C) provide for fiscal control and accounting procedures that—

“(i) are necessary to ensure the prudent use, proper disbursement, and accounting of grants received by applicants under this section; and

“(ii) are consistent with the requirement specified in subparagraph (B); and

“(D) comply with the requirements specified in section 223(a) (excluding any requirement relating to consultation with a State advisory group) and with the requirements specified in section 222(c); and

“(E) contain such other information, and be subject to such additional requirements, as the Administrator may reasonably require by rule to ensure the effectiveness of the projects for which grants are made under section 241(b).

“(b) FACTORS FOR CONSIDERATION.—For the purpose of selecting eligible applicants to receive grants under section 241(b), the Administrator shall consider—

“(1) the resources that are available to each applicant Indian tribe that will assist, and be coordinated with, the overall juvenile justice system of the Indian tribe; and

“(2) with respect to each such applicant—

“(A) the juvenile population; and

“(B) the population and the entities that will be served by projects proposed to be carried out with the grant for which the application is submitted.

“(c) GRANT PROCESS.—

“(1) SELECTION OF GRANT RECIPIENTS.—

“(A) SELECTION REQUIREMENTS.—Except as provided in paragraph (2), the Administrator shall—

“(i) make grants under this section on a competitive basis; and

“(ii) specify in writing to each applicant selected to receive a grant under this section, the terms and conditions on which such grant is made to such applicant.

“(B) PERIOD OF GRANT.—A grant made under this section shall be available for expenditure during a 2-year period.

“(2) EXCEPTION.—If—

“(A) in the 2-year period for which a grant made under this section shall be expended, the recipient of such grant applies to receive a subsequent grant under this section; and

“(B) the Administrator determines that such recipient performed during the year preceding the 2-year period for which such recipient applies to receive such subsequent grant satisfactorily and in accordance with the terms and conditions applicable to the grant received;

then the Administrator may waive the application of the competition-based requirement specified in paragraph (1)(A)(i) and may allow the applicant to incorporate by reference in the current application the text of the plan contained in the recipient’s most recent application previously approved under this section.

“(3) AUTHORITY TO MODIFY APPLICATION PROCESS FOR SUBSEQUENT GRANTS.—

The Administrator may modify by rule the operation of subsection (a) with respect to the submission and contents of applications for subsequent grants described in paragraph (2).

“(d) REPORTING REQUIREMENT.—Each Indian tribe that receives a grant under this section shall be subject to the fiscal accountability provisions of section 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

“(e) MATCHING REQUIREMENT.—(1) Funds appropriated for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of any program or project with a matching requirement funded under this section.

“(2) Paragraph (1) shall not apply with respect to funds appropriated before the date of the enactment of the Juvenile Justice and Delinquency Prevention Act of 2001.

“(3) If the Administrator determines that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of any program or activity to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent the Administrator deems necessary.”.

SEC. 11. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part C, as added by section 10, the following:

**“PART D—RESEARCH; EVALUATION; TECHNICAL
ASSISTANCE; TRAINING**

“SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION

“(a) RESEARCH AND EVALUATION.—(1) The Administrator may—

“(A) plan and identify the purposes and goals of all agreements carried out with funds provided under this subsection; and

“(B) conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

“(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

“(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

“(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

“(iv) successful efforts to prevent recidivism;

“(v) the juvenile justice system;

“(vi) juvenile violence;

“(vii) appropriate mental health services for juveniles and youth at risk of participating in delinquent activities;

“(viii) reducing the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups;

“(ix) evaluating services, treatment, and aftercare placement of juveniles who were under the care of the State child protection system before their placement in the juvenile justice system;

“(x) determining—

“(I) the frequency, seriousness, and incidence of drug use by youth in schools and communities in the States using, if appropriate, data submitted by the States pursuant to this subparagraph and subsection (b); and

“(II) the frequency, degree of harm, and morbidity of violent incidents, particularly firearm-related injuries and fatalities, by youth in schools and communities in the States, including information with respect to—

“(aa) the relationship between victims and perpetrators;

“(bb) demographic characteristics of victims and perpetrators;

and

“(cc) the type of weapons used in incidents, as classified in the Uniform Crime Reports of the Federal Bureau of Investigation; and

“(xi) other purposes consistent with the purposes of this title and title I.

“(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

“(3) Nothing in this subsection shall be construed to permit the development of a national database of personally identifiable information on individuals involved in studies, or in data-collection efforts, carried out under paragraph (1)(B)(x).

“(4) Not later than 1 year after the date of enactment of this paragraph, the Administrator shall conduct a study with respect to juveniles who, prior to placement in the juvenile justice system, were under the care or custody of the State child welfare system, and to juveniles who are unable to return to their family after completing their disposition in the juvenile justice system and who remain wards of the State. Such study shall include—

“(A) the number of juveniles in each category;

“(B) the extent to which State juvenile justice systems and child welfare systems are coordinating services and treatment for such juveniles;

“(C) the Federal and local sources of funds used for placements and post-placement services;

“(D) barriers faced by State in providing services to these juveniles;

“(E) the types of post-placement services used;

“(F) the frequency of case plans and case plan reviews; and

- “(G) the extent to which case plans identify and address permanency and placement barriers and treatment plans.
- “(b) STATISTICAL ANALYSES.—The Administrator may—
- “(1) plan and identify the purposes and goals of all agreements carried out with funds provided under this subsection; and
- “(2) undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consistent with the purposes of this title and title I.
- “(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).
- “(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.
- “(e) INFORMATION DISSEMINATION.—The Administrator may—
- “(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;
- “(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and
- “(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.
- “SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.**
- “(a) TRAINING.—The Administrator may—
- “(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, to carry out the purposes specified in section 102; and
- “(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, to carry out the purposes specified in section 102.
- “(b) TECHNICAL ASSISTANCE.—The Administrator may—
- “(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and
- “(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.
- “(c) TRAINING AND TECHNICAL ASSISTANCE TO MENTAL HEALTH PROFESSIONALS AND LAW ENFORCEMENT PERSONNEL.—The Administrator shall provide training and technical assistance to mental health professionals and law enforcement personnel (including public defenders, police officers, probation officers, judges, parole officials, and correctional officers) to address or to promote the development, testing, or demonstration of promising or innovative models (including model juvenile and family

courts), programs, or delivery systems that address the needs of juveniles who are alleged or adjudicated delinquent and who, as a result of such status, are placed in secure detention or confinement or in nonsecure residential placements.”.

SEC. 12. DEMONSTRATION PROJECTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 11, the following:

“PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

“SEC. 261. GRANTS AND PROJECTS.

“(a) **AUTHORITY TO MAKE GRANTS.**—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

“(b) **USE OF GRANTS.**—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

“SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.

“The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

“SEC. 263. ELIGIBILITY.

“To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonably require by rule.

“SEC. 264. REPORTS.

“Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying out the projects for which such grants are made.”.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e), and

(2) by striking subsections (a), (b), and (c), and inserting the following:

“(a) **AUTHORIZATION OF APPROPRIATIONS FOR TITLE II (EXCLUDING PARTS C AND E).**—(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 2002, 2003, 2004, 2005, and 2006.

“(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E)—

“(A) not more than 5 percent shall be available to carry out part A;

“(B) not less than 80 percent shall be available to carry out part B; and

“(C) not more than 15 percent shall be available to carry out part D.

“(b) **AUTHORIZATION OF APPROPRIATIONS FOR PART C.**—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 2002, 2003, 2004, 2005, and 2006.

“(c) **AUTHORIZATION OF APPROPRIATIONS FOR PART E.**—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 2002, 2003, 2004, 2005, and 2006.”.

SEC. 14. ADMINISTRATIVE AUTHORITY.

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended—

(1) in subsection (d) by striking “as are consistent with the purpose of this Act” and inserting “only to the extent necessary to ensure that there is compli-

ance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance”, and

(2) by adding at the end the following:

“(e) If a State requires by law compliance with the requirements described in paragraphs (11), (12), and (13) of section 223(a), then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.”.

SEC. 15. USE OF FUNDS.

Section 299C(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674(c)) is amended to read as follows:

“(c) No funds may be paid under this title to a residential program (excluding a program in a private residence) unless—

“(1) there is in effect in the State in which such placement or care is provided, a requirement that the provider of such placement or such care may be licensed only after satisfying, at a minimum, explicit standards of discipline that prohibit neglect, physical and mental abuse, as defined by State law;

“(2) such provider is licensed as described in paragraph (1) by the State in which such placement or care is provided; and

“(3) such provider satisfies the licensing standards of each other State from which such provider receives a juvenile for such placement or such care, in accordance with the Interstate Compact on Child Placement as entered into by such other State.”.

SEC. 16. LIMITATIONS ON USE OF FUNDS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 10, is amended adding at the end the following:

“SEC. 299F. LIMITATIONS ON USE OF FUNDS.

“None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.”.

SEC. 17. RULES OF CONSTRUCTION.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 10 and amended by section 16, is amended adding at the end the following:

“SEC. 299G. RULES OF CONSTRUCTION.

“Nothing in this title or title I shall be construed—

“(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

“(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.”.

SEC. 18. LEASING SURPLUS FEDERAL PROPERTY.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 10 and amended by sections 16 and 17, is amended adding at the end the following:

“SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.

“The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.”.

SEC. 19. ISSUANCE OF RULES.

Part F of title II or the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 10 and amended by sections 16, 17, and 18, is amended adding at the end the following:

“SEC. 299I. ISSUANCE OF RULES.

“The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.”.

SEC. 20. CONTENT OF MATERIALS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 10 and amended by sections 16, 17, 18, and 19, is amended by adding at the end the following:

“SEC. 299J. CONTENT OF MATERIALS.

“Materials produced, procured, or distributed both using funds appropriated to carry out this Act and for the purpose of preventing hate crimes that result in acts of physical violence, shall not recommend or require any action that abridges or infringes upon the constitutionally protected rights of free speech, religion, or equal protection of juveniles or of their parents or legal guardians.”.

SEC. 21. TECHNICAL AND CONFORMING AMENDMENTS.

(a) **TECHNICAL AMENDMENTS.**—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

- (1) in section 202(b) by striking “prescribed for GS–18 of the General Schedule by section 5332” and inserting “payable under section 5376”,
- (2) in section 221(b)(2) by striking the last sentence,
- (3) in section 299D by striking subsection (d), and
- (4) by striking titles IV and V, as originally enacted by Public Law 93–415 (88 Stat. 1132–1143).

(b) **CONFORMING AMENDMENTS.**—(1) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

- (A) in section 214(b)(1) by striking “262, 293, and 296 of subpart II of title II” and inserting “299B and 299E”,
- (B) in section 214A(c)(1) by striking “262, 293, and 296 of subpart II of title II” and inserting “299B and 299E”,
- (C) in section 217(c)(1) by striking “sections 262, 293, and 296 of subpart II of title II” and inserting “sections 299B and 299E”, and
- (D) in section 223(c) by striking “section 262, 293, and 296” and inserting “sections 262, 299B, and 299E”.

(2) Section 404(a)(5)(E) of the Missing Children’s Assistance Act (42 U.S.C. 5773) is amended by striking “section 313” and inserting “section 331”.

SEC. 22. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) **EFFECTIVE DATE.**—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) **APPLICATION OF AMENDMENTS.**—The amendments made by this Act shall apply only with respect to fiscal years beginning after September 30, 2001.

PURPOSE

The purpose of this Act is to assist State and local governments in their efforts to reduce juvenile crime through the funding of prevention programs and activities, which hold juveniles accountable for their actions. The Act also provides technical assistance, research and dissemination of information on effective programs for combating juvenile crime to State and local governments.

COMMITTEE ACTION**104TH CONGRESS**

In the 104th Congress, the Subcommittee on Early Childhood, Youth and Families held four hearings for the purpose of considering and reviewing the authorization of the Juvenile Crime Control and Delinquency Prevention Act.

The first of the four hearings was held on March 28, 1996 in Washington, D.C. The witnesses were as follows: Linda O’Neal, Executive Director, Tennessee Commission on Children and Youth, Nashville, TN; Jerry Kilgore, VA Secretary of Public Safety, Richmond, VA; David Lehman, Chief Probation Officer, Eureka, CA; Lt. Dale Patch, Criminal Investigations Division, Des Moines Police Department, Des Moines, IA; James C. Backstrom, Dakota County Attorney, Hastings, MN; Neal Stanley representing Judge Glenda Hatchett, Chief Judge, Fulton County Juvenile Court, Atlanta, GA; Paul Watson, Executive Director, San Diego Youth and Community Services, San Diego, CA; Tara Jesse, Resident of the Take Wing

Transitional Living Program, San Diego, CA; Tara Gilmartin, Senior Peer Counselor Supervisor, The Sanctuary, Inc., Royal Oak, MI; and, Virginia Price, Chair of the National Council on Youth Policy and Clinical Director, Bridge Over Troubled Waters; Boston, MA.

The second hearing, which focused on youth violence and gangs, was held in Washington D.C. on April 30, 1996. Testifying at the April 30 hearing were: Representative Bill McCollum of Florida; Representative Maxine Waters of California; Tom Corbett, Attorney General, Commonwealth of Pennsylvania, Harrisburg, PA; Bobby Moody, Chief of Police, Covington, GA; Sidney Rosen, Adult Friends for Youth, Honolulu, HI; Lavonda Taylor; National Coalition of Juvenile Justice, West Memphis, AZ; Ira Schwartz, Dean of Social Work, University of Pennsylvania, Philadelphia, PA; and, Richard Wertz; Senior National Director, Justice Fellowship, Washington, D.C.

The third hearing, which focused on prevention programs, was held in Washington, D.C. on May 8, 1996. Testifying at the May 8 hearing were: Mr. Jim Braun, Executive Director, Youth in Need, St. Charles, MO; Michelle Wallis, Youth Vice Chair, National Network on Youth Policy and a Youth Volunteer with Youth in Need, St. Charles, MO; David Gilgoff, Executive Director, Valley Youth House, Allentown, PA; Lt. Jim Cervera, Community Police Project Coordinator, Virginia Beach Police Department, Virginia Beach, VA; Bill Long, Chief Probation Officer, York County, PA; Frank Buchum, Chairman, Missouri Juvenile Justice Advisory Group, Farmington, MO; and, Dr. Helen Chaset, Coordinator of Community and School Age Services, Montgomery County, Rockville, MD.

The fourth hearing was held in San Diego, California on May 13, 1996. Testifying at the May 13 hearing were: Judge James Milliken, Presiding Judge, Juvenile Court, San Diego, CA; Ronald Roberts, Chairman, San Diego Board of Supervisors, San Diego, CA; Alan Crogan, Chief Probation Officer, San Diego County, San Diego, CA; Jess Valenzuela, Director of Parks and Recreation, Chula Vista, CA; Kathy Lembo, Executive Director, South Bay Community Services, Chula Vista, CA; Janine Mason Barone, Fieldstone Foundation, San Diego, CA; and, Robert Fellneth, Executive Director, University of San Diego School of Law, San Diego, CA.

105TH CONGRESS

In the 105th Congress, the Subcommittee held four additional hearings for the purposes of considering and reviewing the authorization of the Juvenile Crime Control and Delinquency Prevention Act.

The first of the four hearings in the 105th Congress was held on February 20, 1997 in Windsor, California. The witnesses were as follows: The Honorable Jeanne Buckley, Juvenile Court Judge, Sonoma County Juvenile Court, Santa Rosa, CA; Mr. Michael J. Mullins, District Attorney, County of Sonoma, Santa Rosa, CA; Ms. Jocelyn Harper, Safe Schools Manager, Sonoma County Office of Education, Sonoma, CA; Mr. Tom Gordon, School Board Member, Windsor, CA; Robert Gillen, Chief Probation Officer, Sonoma County Probation Office, Santa Rosa, CA; Chief Rick Alves, Chief of Police, Healdsburg Police Department, Healdsburg, CA; Ms. Teri Schmidt, Interventions Programs Coordinator, Circuit Rider Pro-

ductions, Windsor, CA; Ms. Adele Mitchell, Teacher, Maria Carrillo High School, Santa Rosa, CA; and, Mr. Tito Roman, student, Maria Carrillo High School, Santa Rosa, CA.

The second hearing, which focused on the Administration's juvenile crime bill, was held in Washington D.C. on February 26, 1997. The hearing was held jointly with the Crime Subcommittee of the Judiciary Committee. The Honorable Janet Reno, United States Attorney General was the sole witness.

The third hearing, which focused on prevention programs and on the current law, was held in El Monte, California on April 7, 1997. Testifying at the April 7th hearing were: The Honorable Gil Garcetti, Chief District Attorney, Los Angeles County, Los Angeles, CA; Mr. James Cook, Chief of Police, Westminster Police Department, Westminster, CA; the Honorable Michael Nash, Presiding Judge, Los Angeles County Juvenile Court, Los Angeles, CA; Dr. Malcolm Klein, Director, Social Science Research Institute, University of Southern California, Los Angeles, CA; Mr. Larry Springer, Director, Division of Juvenile Court and Community Schools, Los Angeles County Office of Education, Los Angeles, CA; Mr. Marc Freedman, Vice President, Public/Private Ventures, Berkeley, CA; Ms. Nancy Wileman, Coordinator, Consultation, Education, and Prevention, Didi Hirsch Community Mental Health Center, Culver City, CA; and, Mr. Clay Hollopeter, Executive Director, Boys and Girls Club of San Gabriel Valley, El Monte, CA.

The fourth hearing was held in Washington, D.C. on May 21, 1997. The hearing was on the proposed legislation. The witnesses were as follows: The Honorable Shay Bilchik, Administrator, Office of Juvenile Justice and Delinquency Prevention, Department of Justice, Washington, D.C.; Mr. James Sileo, National Board Member, Big Brothers Big Sisters of America, Greensburg, PA; the Honorable Kimberly O'Donnell, Juvenile and Domestic Relations District Court, Richmond, VA; Mr. Peter LaVallee, Director, Redwood Region Youth Service Bureau, Eureka, CA; Ms. Betty Tatham, Executive Director, YWCA of Bucks County, Trevese, PA; Mr. Michael Petit, Deputy Director, Child Welfare League of America, Washington, D.C.; and, Mr. Jim Kester, Juvenile Justice Specialist, Criminal Justice Division, Governor's Office, Austin, TX.

106TH CONGRESS

In the 106th Congress, the Subcommittee on Early Childhood, Youth and Families held two hearings for the purpose of considering and reviewing the authorization of the Juvenile Crime Control and Delinquency Prevention Act.

The first hearing, which focused on preventing juvenile crime in schools and communities, was held March 18, 1999 in Washington, D.C. The witnesses were as follows: Jesse Sligh, Executive Assistant District Attorney, Queens County District Attorney's Office, Kew Gardens, New York; Karla Ballard, ARISE International, Wilmington, Delaware; Sandra McBrayer, Executive Director, The Children's Initiative, San Diego, California; Barbara Ott, Director, The Children's Initiative, San Diego, California; Vincent Schiraldi, Executive Director, Center for Juvenile and Criminal Justice, Washington, D.C.; and, Robert Smith, Director, Youth Services Agency of Pennsylvania, Doylestown, Pennsylvania.

The second hearing, which focused on administration of federal juvenile crime and prevention programs, was held on March 25, 1999 in Washington, D.C. The witnesses were as follows: Shay Bilchik, Administrator, Office of Juvenile Justice and Delinquency Prevention, Office of Judicial Programs, Department of Justice, Washington, D.C.; and, Patricia Montoya, Commissioner, Administration on Children, Youth and Families, Department of Health and Human Services, Washington, D.C.

107TH CONGRESS

In the 107th Congress, the Subcommittee on Select Education held a hearing for the purpose of considering and reviewing the authorization of the Juvenile Justice and Delinquency Prevention Act of 1974.

The hearing, which focused on how the federal role in the juvenile justice system can be improved, was held on June 6, 2001 in Washington, D.C. The witnesses were as follows: Jerry Regier, Cabinet Secretary, Department of Health and Human Services, Oklahoma City, Oklahoma; David Grossmann, Judge, Juvenile Court, Hamilton County, Cincinnati, Ohio; Dr. Edward Mulvey, Psychiatrist, Law & Psychiatry Research, Western Psychiatric Institute and Clinic, University of Pittsburgh School of Medicine, Pittsburgh, Pennsylvania; Mark Witte, Director, Juvenile Justice Programs, Wedgewood Youth and Families Services, Grand Rapids, Michigan; David Bonfiglio, Superior Court Judge, Elkhart, Indiana; and, Dominic Herbst, President, Bethesda Family Services, West Milton, Pennsylvania.

LEGISLATIVE ACTION

104TH CONGRESS

On July 25, 1996, the Subcommittee on Early Childhood, Youth and Families reported H.R. 3876, as amended by voice vote, to the full Committee. On August 1, 1996, the Committee on Economic and Educational Opportunities reported H.R. 3876, as amended, out of full Committee. H.R. 3876 was placed on the Union Calendar September 12, 2001 however it was not considered on the House Floor.

105TH CONGRESS

On June 12, 1997, the Subcommittee on Early Childhood, Youth and Families reported H.R. 1818, as amended by voice vote, to the full Committee. On June 18, 1997, the Committee on Education and the Workforce considered H.R. 1818. H.R. 1818, as amended, was favorably reported out of Committee by voice vote. On July 15, 1997, the House passed H.R. 1818, as amended.

106TH CONGRESS

On April 22, 1999, the Subcommittee on Early Childhood, Youth and Families reported H.R. 1150, as amended by voice vote, to the full Committee. In the 106th Congress considered three major bills, H.R. 1501, H.R. 1150, and S 254. Collectively, these bills would have reauthorized the Act, added new penalties, and proposed or reauthorized non-JJDP Act juvenile crime control programs. On

June 17, 1999, the House passed, H.R. 1501, as amended. H.R. 1150 was approved by the House as an amendment to H.R. 1501.

107TH CONGRESS

On June 21, 2001, the Subcommittee on Select Education ordered favorably reported H.R. 1900, as amended, to the full Committee by a vote of 12–1.

On August 1, 2001, the Committee on Education and the Workforce considered H.R. 1900. Representative Jim Greenwood offered an amendment in the nature of a substitute. Representatives Miller and Wu offered amendments to the amendment in the nature of the substitute, which were accepted by voice vote. The amendment in the nature of a substitute, as amended, was accepted by a vote of 41–2, and H.R. 1900 was favorably reported out of Committee.

BILL SUMMARY

Congressman Jim Greenwood (R-PA) and Congressman Bobby Scott (D-VA) introduced H.R. 1900, the Juvenile Justice and Delinquency Prevention Act of 2001. In both the 105th and 106th Congresses, similar bills (H.R. 1818 and H.R. 1150 respectively) were approved in the House but never enacted into law.

Under current law, States are eligible for federal juvenile justice funding if they meet four core requirements, commonly known as “mandates.” The mandates are (1) status offenders-juveniles who commit acts, such as truancy, that would not be considered criminal if they were adults—shall not be placed in jail, lock-up, or a secure detention and correctional facility; (2) juveniles housed in adult facilities shall be separated by “sight and sound” from adults; (3) juveniles may be held in adult jails for up to 24 hours after arrest if geography or weather prohibits travel, also known as the “rural exception”; and (4) states must address the disproportionate number of minority juveniles detained or confined in secure facilities, jails, and lock-ups relative to the general population.

The Juvenile Justice and Delinquency Prevention Act of 2001 amends requirements for formula grant funds, to encourage greater collaboration between the many systems that interact with juveniles who commit delinquent acts. H.R. 1900 creates new requirements for ensuring that public child welfare records relating to a juvenile are made available to the juvenile court and for ensuring that juveniles whose placements are funded through the foster care system receive the appropriate case management and case review protections.

H.R. 1900 amends the four mandates as follows: (1) retains the current prohibition on detaining status offenders in secure facilities in accordance with rules issued by the Administrator, which allows such juveniles to be held up to 24 hours before and 24 hours after their court appearance; (2) modifies the “sight and sound” separation requirement to prohibit physical contact (defined as any physical contact between a juvenile and an adult inmate; and proximity that provides an opportunity for physical contact between a juvenile and an adult inmate) or sustained oral and visual contact adult inmates; (3) builds additional flexibility into the “rural exception” by extending the period of time for which juveniles can be

held in a facility with adults, prior to an initial court appearance, to 48 hours (excluding weekends and holidays); and (4) modifies the disproportionate minority confinement provision to require States to address prevention efforts to reduce the disproportionate number of minorities that come in contact with the juvenile justice system and prohibits the establishment of numerical standards or quotas. It also requires that States failing to comply with these mandates lose 12.5% of Title II, Part B formula grants for each mandate not met and use 50% of the remaining funds to come back into compliance with the mandate.

H.R. 1900 eliminates Part C, National Programs or Discretionary Programs; Part D, Gang-Free Schools and Communities; Community-Based Gang Intervention; Part E, State Challenge Activities; Part F, Treatment for Juvenile Offenders Who Are Victims of Child Abuse or Neglect; Part G, Mentoring; Part H, Boot Camps; Part I, White House Conference; and Title V, Incentive Grants for Local Delinquency Prevention Programs. H.R. 1900 creates a new Part C, Juvenile Delinquency Prevention Block Grant Program, with funds to be used for activities designed to prevent juvenile delinquency; a new Part D, Research, Evaluation, Technical Assistance and Training; and a new Part E, Developing, Testing, and Demonstrating Promising New Initiatives and Programs.

H.R. 1900 authorizes appropriations to carry out Title II, at such sums as may be appropriate for fiscal years 2002, 2003, 2004, and 2005, with the provision that of the total appropriated for this title, excluding Part C, Juvenile Delinquency Prevention Block Grant Program, and Part E, Developing, Testing, and Demonstrating Promising New Initiatives and Programs, not more than 5% shall be available to carry out Part A, Office of Juvenile Justice and Delinquency Prevention. In addition, not less than 80% shall be available to carry out Part B, Federal Assistance for State and Local Programs; and not more than 15% shall be available to carry out Part D, Research, Evaluation, Technical Assistance and Training.

COMMITTEE VIEWS

The Committee believes it is important not only to prevent children and youth from ever becoming involved in delinquent activities but to help those youth already in the juvenile justice system to turn their lives around. The strength of America is the family unit however, there are times when difficulties arise that have no easy solution, even for those who have the best support systems available to them. The juvenile courts, community based organizations, law enforcement, and faith based organizations all have a responsibility in assisting families whose children become faced with the consequences of law breaking. Ohio family court Judge David Grossmann addressed the Subcommittee on Select Education June 6, 2001 and noted: "Juveniles are not miniature adults. They are strongly influenced by their families and their peers, and more often than not, they can be rehabilitated or diverted from a life of crime." The federal role in supporting states in the development and expansion of their juvenile justice systems is a small but a vital component of maintaining the peace.

The Committee believes that the two most important approaches to attacking juvenile crime are clear: prevention and holding juveniles accountable for the crimes they commit. Controlling juvenile

crime must start early with juveniles in order to make them understand that there are consequences for their actions. Sending the message to our nation's youth that they will be punished for their delinquent activities is one of the most effective means of crime control and prevention.

The Act provides technical assistance and research and dissemination of information on effective programs for combating juvenile crime to state and local governments. Funds under this Act are distributed to States based on the number of youth under the age of 18 residing in the State compared to other States. The Committee believes that States and local communities should be able to draw on programs that have undergone rigorous, evidenced based research if they are to be replicated. Technical assistance is also a vital component of helping communities adapt programs to their needs.

The Committee believes that amending the requirements for formula grant funds, to include expanding the array of community-based juvenile delinquency and accountability programs and services will encourage a comprehensive and balanced approach to reducing juvenile crime. These programs and services (which include mental health services for juveniles, mentoring programs, and youth development programs) are designed for juveniles, their parents, and other family members during and after incarceration for the purpose of strengthening families and keeping juveniles in their own homes whenever possible. Too often youth return to a community without the support they need from family or other community support systems, and thus return to the juvenile justice system as a repeat offender. H.R. 1900 encourages communities to implement community-based post-placement services to promote the successful reintegration of juveniles into the community.

Providing flexibility to States in meeting the four core State plan requirements

In order for States to receive funds under the Juvenile Justice and Delinquency Prevention Act, they must meet four core State plan requirements. In addition, current law provides that a State must comply with each of the four mandates in order to receive one hundred percent of its allotment. For each mandate with which a State is in compliance, it will receive 25 percent of its allotment.

The four core requirements contained in current law are:

Deinstitutionalization of Status Offenders—requires that status offenders not be placed in jails, lock-ups or secure detention and correctional facilities. The law was amended in 1988 to require a judge to go outside the court system to get clearance from an appropriate public agency before issuing a valid court order to hold a status offender in a secure facility.

Separation of Juveniles from Adults in Institutions—requires that juveniles housed with adults be held out of “sight or sound” of adults. Before the last reauthorization, the law had disallowed “regular” contact between adults and juveniles. The last reauthorization struck the word “regular” and disallowed “all” contact with adults. Current law also prohibits the use of part-time or full-time security staff and direct-care staff of a jail or lockup for adults to serve juveniles.

Removal of Juveniles from Jails and Facilities for Adults—requires States to remove juveniles from adult jails or lockups, with a few exceptions that apply to rural areas.

Disproportionate minority confinement requires that States address efforts to reduce the proportion of minority juveniles detained or confined in secure facilities, jails and lockups, if such proportion exceeds the proportion of minorities represented in the general population. These issues are discussed in more detail below

Deinstitutionalization of status offenders

The Committee has heard from several witnesses regarding the need for more flexibility in dealing with status offenders. Michael Mullins, District Attorney, Sonoma County, California, in his testimony before the Subcommittee on Early Childhood, Youth and Families in the 105th Congress stated, “I have personally spoken to parents who are literally out of their minds with grief and worry by the fact that their children are using drugs, they are runaways, and yet it seems that society has provided them no means or assistance in controlling these children.”

In an effort to address concerns regarding the requirement for the deinstitutionalization of status offenders, H.R. 1900 makes a number of changes to current law to increase the flexibility for States to treat such youth in the most appropriate manner. The bill returns to prior law by eliminating the need for a judge to receive a report from an “appropriate public agency” (other than a court or law enforcement agency) before the issuance of a valid court order allowing a juvenile to be held in a secure facility. This will enhance the ability of courts to detain status offenders when necessary by allowing the judge to issue a valid court order without receiving a report from an appropriate public agency.

However, the Committee recognizes the need to ensure the proper placement of youth who do commit status offenses and are held under a valid court order. Therefore, H.R. 1900 includes language that requires the appropriate public agency to be promptly notified if a juvenile is held under a valid court order. The appropriate agency, after receiving a referral by the court, is required to personally interview the juvenile within 24 hours of the referral and to submit an assessment to the court regarding the immediate needs of the juvenile. After receipt of such report, the court is then required to conduct a hearing to determine two things. First, if the juvenile violated such order and second the appropriate placement for the juvenile, pending disposition of the violation alleged. While an outside agency is still required to advise the court on the individual needs of the juvenile, the Committee believes it is important that a judge be allowed to issue a valid court order prior to soliciting such input.

The Committee would like to point out that it does not support the blanket use of the valid court order exception. We believe that the detention of status offenders in secure facilities should be reviewed on a case-by-case basis and whenever possible the least restrictive alternative is preferable to the secure detention or confinement of status offenders.

The Committee bill also requires that the deinstitutionalization requirement be carried out in accordance with rules issued by the Administrator. Such rules currently allow a status offender to be

held 24 hours prior to and 24 hours following an initial court appearance. The Committee supports the flexibility provided through current regulations. Many status offenders may be runaways fleeing abusive situations, and the commission of status offenses such as truancy and running away may be warning signs of future problems. Research shows that there are three types of status offenders: One-time offenders, habitual status offenders, and juveniles who are also committing other delinquent offenses. According to the testimony of Malcolm Klein, Director of the University of Southern California Social Sciences Institute in the 105th Congress, "The pure status offender is atypical: most status offenders also commit a variety of delinquent or other deviant acts." The Committee believes there is a strong need to provide appropriate interventions and prevention activities for status offenders and would encourage courts to use the flexibility provided through current regulations to determine whether such youth are in need of assistance.

The Committee is also concerned about the ability of the court to hold runaways in order to reunite them with their parents. Parents must often travel across the country in order to be reunited with their children. As such, the committee provides an exception from the deinstitutionalization language for runaways held in accordance with the Interstate Compact on Juveniles. The Committee urges the courts to exercise caution when holding runaways in order to reunite them with their families. It is important to ensure that such youth are not running away from an abusive situation at home.

Separation of juveniles from adults in institutions

Several witnesses also discussed the "sight and sound" separation mandate for periods when juveniles are held in the same facility with adults.

H.R. 1900 modifies the current law provision to prohibit physical and sustained oral and visual contact. The Committee believes that this change will provide the appropriate flexibility without retreating from the principle that strict sight and sound separation of juveniles from adults must be maintained. The Committee does not believe that sporadic encounters in hallways between juveniles and adults, as they are traveling to and from meals, exercise areas, etc. is harmful provided there is appropriate supervision of these incidental, infrequent meetings.

Concerns were also raised regarding the prohibition on "shared staff" as part of the sight and sound separation requirement. For example, an individual serving a meal to an adult could not serve a meal to a juvenile, even if they were not served at the same time. According to James Backstrom (speaking on behalf of the National District Attorneys Association at a hearing held during the 104th Congress), "The prohibition of the use of shared staff in both juvenile and adult detention facilities should be eliminated. Reasonable restrictions, such as preventing staff from working in both facilities on the same shift, would be appropriate." The Committee agrees that this restriction is particularly burdensome, especially in small communities and in rural areas. The Committee further believes that staff working in co-located facilities should be able to work with both juveniles and adults as long as they have been appro-

priately trained and certified to work with juveniles by the State under State standards. As such, H.R. 1900 permits shared staff to work with juveniles, provided the staff has been trained and certified to work with juveniles. States must provide assurances that there is in effect a State policy requiring such training.

Removal of juveniles from jails and facilities for adults

Witnesses also expressed concerns over provisions in current law that require separate facilities for juveniles and adults, if the juvenile is to be held for more than a 24 hour period while awaiting an initial court appearance. This requirement was particularly burdensome in rural areas with a limited number of law enforcement officers and separate facilities for juveniles. According to former Administrator Shay Bilchik, "In our field hearings, in the feedback we have gotten from the practitioners, that seems to be one of the main issues of difficulty with the core requirements in the jail lock-up removal: What do you do in rural areas where you have great distance and less than adequate facilities to deal with these kids?"

The Committee addresses this valid concern of rural jurisdictions and has expanded the current rural exception that allows for juveniles to be held in jails and lockups with adults for up to 24 hours. H.R. 1900 builds additional flexibility into the law for rural areas by extending the period of time to up to 48 hours, excluding weekends and holidays, for which juveniles can be held in a facility with adults, prior to an initial court appearance. The use of this provision is still restricted to facilities that provide for "sight and sound" separation.

In addition, H.R. 1900 includes a new exception that allows juveniles to be held in adult facilities not to exceed 20 days as long as the parent or legal guardian consents, the juvenile's counsel has the opportunity to present the juvenile's position regarding the detention, the court hears from the juvenile prior to approval of placement, and there is no existing acceptable alternative placement, the parent or legal guardian (or guardian ad litem) of the juvenile involved consents and it is approved in advance by the court. Such placement is required to be reviewed periodically, at intervals of not more than 5 days for the duration of the detention or confinement to insure it is the appropriate placement for such youth. The addition of this language provides a judge with additional flexibility in dealing with youth in rural areas when it is in the best interest of the juvenile to remain in close proximity to family and community. Sight and sound separation restrictions would continue to apply in such instances. The Committee urges the court to use this exception carefully. It is important that the court considers such factors as the relationship between the juvenile and their parents or guardian, the conditions of confinement in the jail or lockup facility where the juvenile is to be housed, and the potential impact on the general welfare of the juvenile if he or she is held for extended periods of time in such a facility.

Disproportionate minority confinement

H.R. 1900 also makes changes to the disproportionate representation of minorities in confinement (DMC) mandate. Current law focuses on the number of minorities in the judicial system compared to the general minority population. It focuses only on the

number of juvenile minorities in confinement. The Committee is aware of concerns that current law could be interpreted to force States to release violent youth of minority origin or to refuse to arrest delinquent youth if their numbers in confinement exceed their numbers in the general population.

The Committee agrees the juvenile justice system should not discriminate against youth on the basis of race. The Committee is concerned, however, about the interpretation of the mandate in its current form and we have modified current law to respond to this concern while acknowledging the continued need for this mandate.

Jerry Regier, Director, Oklahoma Department of Juvenile Justice, in testimony before the Senate Subcommittee on Youth Violence on March 12, 1996, discussed a study published in late 1993 analyzing this issue in the State of Oklahoma. According to the study, African-American juveniles represented 9.6% of the juvenile population in Oklahoma but comprised 25% of all juvenile arrests. Native American juveniles, on the other hand, comprised 11.2% of the juvenile population yet only 5.1% of the total arrested. According to Mr. Regier, "Quotas are not the answer. Youth are placed in a system based on their acts, not their race. We do not plan to go out and arrest more Native American youth to get their numbers up, nor will we cease arresting African-American juveniles who commit crimes. Youth are arrested and adjudicated based on their acts, not their race."

The Committee bill maintains the DMC mandate, but changes it to focus State efforts on prevention and system improvements that will reduce the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system. H.R. 1900 further amends the current law by expressly prohibiting the establishment or requirement of quotas.

A major justification for retaining the mandate is to ensure that prevention efforts are targeted to communities where a disproportionate number of minorities are committed to the juvenile justice system. The Committee believes that prevention is key to reducing juvenile crime and then States should focus prevention efforts on those areas experiencing the greatest difficulty in reducing juvenile crime among minority populations.

The Committee would like to clarify that, for purposes of identifying over-representation of minorities, juveniles detained in a facility that is not within the jurisdiction where the offense was committed shall not be counted for purposes of determining whether there is an over-representation problem in the community where the facility is located.

The Committee believes the criminal justice system should be colorblind. Individuals charged for the same crime under the same circumstances should be treated uniformly by the juvenile justice system. The modifications made by H.R. 1900 to the current mandate will help ensure that our efforts eliminate the true bias in the juvenile justice system and does not create quotas, and direct efforts toward reducing the overrepresentation of minority youth in the juvenile justice system.

Change in penalties for non-compliance

The Committee bill modifies current law provisions allowing 25 percent of a State's funds to be held for each mandate for which it is not in compliance.

The Committee has reduced the penalty to 12.5% for each mandate for which it is not in compliance and requires that a State must use 50% of the remaining funds toward coming back into compliance with the mandate. This change will ensure that States still receive funds with which to combat juvenile delinquency even if they are not in compliance with all of the mandates. It is the view of the Committee that States should not be denied important financial resources for combating juvenile crime, simply because they are having difficulties meeting the four core requirements. Not only do States suffer under current law requirements, but the juveniles who require services funded through this Act suffer as well. The changes to this provision contained in H.R. 1900 represent a thoughtful solution to this problem. While still providing a financial incentive for States to meet the mandates, the penalties are not so harsh as to thwart State efforts to address issues related to juvenile delinquency.

Requiring juveniles to be accountable for their actions

One theme, which echoed throughout the hearings held by the Subcommittee, was the need to hold juveniles accountable for their actions. Forty-four States have already strengthened their State laws with respect to violent juvenile offenders. According to noted criminologist James Q. Wilson, "There ought to be penalties from the earliest offense * * * so that juveniles are treated by the State the same way we treat our children. You don't ignore the fact that they're wrecking the house until they finally burn it down. You try to deal with it right away."

The Committee has, therefore, modified the section of the State plan outlining the purposes for which funds under this Act are spent. Now States can use federal funds to support State programs that hold youth accountable for their actions, such as:

1. The expanded use of probation officers. States could now permit nonviolent delinquent juveniles to remain at home with their families as an alternative to incarceration or institutionalization by assigning a probation officer to ensure that the juvenile follows the terms of their probation.

2. Programs that hold juveniles accountable for their actions. These programs could include the use of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage they caused. Such a system could also include a system of graduated sanctions (as defined in this Act) for juvenile delinquents that ensure an appropriate sanction for every delinquent act.

3. Programs that utilize multidisciplinary interagency case management and information sharing procedures. Such programs would enable the juvenile justice and law enforcement agencies, schools and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit violent and serious delinquent acts. Such programs are not intended to lessen the need for confidentiality of juvenile records and the Committee would urge

States to ensure that appropriate safeguards are in place should they use funds for such programs.

Youth who do not believe that they will be punished for their inappropriate behavior are more likely to repeat their behavior. There is also an increased likelihood that the types of delinquent activities in which they engage will become more serious if they are not appropriately sanctioned. Providing an appropriate sanction for each delinquent act can also be a form of prevention. Juveniles who know their actions have consequences will be less likely to engage in delinquent activities. For example, youth who know there is a probation officer monitoring their compliance with the terms of their probation will be less likely to violate the terms of their probation and engage in additional delinquent activities. Unfortunately at this time many probation officers have a heavy caseload and are unable to monitor the activities of each youth for which they are responsible. By allowing States to use funds to increase the number of probation officers, we can reduce the caseload of individual probation officers and help insure youth abide by the terms of their probation.

It is the view of the Committee that giving States the flexibility to use formula grant funds for accountability, prevention, and programs which provide appropriate sanctions for each delinquent act will allow States to more effectively address juvenile delinquency. It is the further belief of the Committee that these changes will allow the States to reduce the recidivism rate among juvenile offenders.

Prevention Block Grant—consolidating juvenile justice programs

H.R. 1900 contains a flexible Juvenile Delinquency Prevention Block Grant program to assist States and local communities in their effort to prevent juvenile crime.

Consolidating programs

In creating this block grant, the Committee has eliminated separate categorical programs authorized under current law; including programs for Boot Camps, Mentoring, State Challenge Activities, and Treatment for Juvenile Offenders Who are Victims of Child Abuse and Neglect. These programs were added during the 102nd Congress. Two of these programs, Part F—Treatment for Juvenile Offenders Who are Victims of Child Abuse or Neglect and Part H—Boot Camps, have never been funded. Funding for the Part E—State Challenge Activities and Part G—Mentoring Program received minimal funding. The Committee has also eliminated the separate funding stream for the Part D, Gang-Free Schools and Communities and Community-Based Gang Intervention. It is the view of the Committee that program dollars should be consolidated in order to provide States and local communities with one flexible funding stream to carry out activities to reduce juvenile delinquency.

It is, however, not the intention of the Committee to discourage the types of activities authorized by these programs. Mentoring and the treatment of juvenile offenders who are victims of child abuse and neglect are uses of funds under the new prevention block grant.

H.R. 1900 also modifies the State plan section of the formula grant program to include activities authorized as part of these separate programs. States will now be allowed to use their formula grant funds for activities related to mentoring, mental health services, and the treatment of juvenile offenders who are victims of child abuse and neglect.

The Committee bill also eliminates the authorization for the White House Conference on Juvenile Justice. This conference has never been held and it is the view of the Committee that funds authorized for this purpose would be better used for State and local efforts to combat juvenile crime and to provide direct services to the juvenile population.

Outlining the new Juvenile Delinquency Prevention Block Grant Program

In developing the prevention block grant program, the Committee wants to make it as flexible as possible to give States and local communities broad discretion to meet their unique needs. As such, there are few State plan requirements. To be eligible to receive funds under this block grant program, States must be participating in the formula grant program and must agree to use 95 percent of the funds they receive to fund local projects. H.R. 1900 also requires States to provide for participation by community-based organizations and organizations in the local juvenile justice system which carry out programs, projects or activities to prevent juvenile delinquency in the development of their plan.

In order to qualify for grants under the new prevention block grant program, eligible entities must apply to a local unit of government that has a plan for preventing juvenile delinquency. If the local unit of government agrees that the proposal set forth by the eligible entity is consistent with their local plan, the eligible entity may submit their application directly to the State or have such application submitted directly by the local unit of government. If the local unit of government submits more than one application to the State, they must submit all eligible applications at the same time in order to prevent the appearance of favoritism. H.R. 1900 also requires that the State Advisory Group have the opportunity to comment on grant applications.

Because some communities have more serious problems with juvenile crime, the Committee provides for States to give priority consideration to projects in areas where there is a disproportionately high level of serious crime committed by juveniles or a recent rapid increase in the number of non-status offenses committed by juveniles. In addition, priority consideration is provided to those projects or activities that are multidisciplinary in nature. The Committee has witnessed several examples of exemplary delinquency prevention programs and found that one of the keys to their success has been the fact that they are multidisciplinary and meet a variety of the needs of participating youth.

The Committee has outlined a broad range of prevention activities for which funds may be used under the prevention block grant program. Some of these programs are primary prevention programs and others provide for activities for youth already involved in the juvenile justice system. The Committee believes strongly that both types of activities are important and that communities should be

able to choose which types of activities meet their specific needs. The Committee does not believe this list includes all of the possible prevention activities that could be undertaken by States and local communities. As such, the Committee allows funds to be used for other activities which local grantees believe are likely to prevent juvenile delinquency.

The Juvenile Delinquency Prevention Block Grant in H.R. 1900 was developed with the intention that funded programs be based on sound, proven crime prevention research whenever possible. In his testimony before the Subcommittee on Select Education on June 6, 2001, Dr. Ed Mulvey made clear that we do have some answers from research that can be applied to improving the juvenile justice system, but that more focused questions need to be asked as well. He said:

The fundamental point that I would like to make today is that useful research has and can be done regarding juvenile delinquency and the juvenile justice system. The unfortunate fact is juvenile justice, however, is that the system is usually ruled more by fads than empirical findings. We keep looking for, or thinking that we have found, the "right" approach to dealing with juvenile crime. Then, within a few years, we come to realize that we have been seduced by a simplistic answer to a very complicated set of clinical, jurisprudential, and practical problems. To me, the logical approach to this frustrating situation is not to quit asking questions, but simply to ask better ones. By looking at and pursuing sound empirical information, we can move out of this wasteful cycle and greatly increase the chance of making incremental progress toward a more just and effective system.

The Committee agrees with this view, and stresses the fact that evidence based research needs to be conducted on programs that are funded under this act, to insure that the practices that work are replicated, and those that don't work are discarded.

Because the use of funds is very flexible, the Committee believes there should be strong accountability provisions in place to insure limited federal dollars support effective programs. Local grantees must include in their application the goals such project or activity is designed to achieve. If any entity that receives funds under this part fails to demonstrate, before the expiration of a two-year period, that they have achieved substantial success in achieving their stated goals, they will no longer be eligible to receive subsequent grants to carry out such project or activity. If, however, such grantee requested, and did not receive, technical assistance from the State or Administrator in order to insure the successful outcome of their project, such grantee cannot be denied further grants for such project or activity. The Committee believes that those grantees who understand that their project is not achieving its goals and reach out for the assistance that they need to improve, should be provided such assistance. If they do not receive the assistance, the grantee should not be penalized by the denial of further grant funds.

The Committee believes Washington does not have all the answers to preventing juvenile crime. States and local communities

need the flexibility provided under this block grant program in order to effectively prevent juvenile crime. In his testimony before the Subcommittee on Early Childhood, Youth and Families in the 104th Congress, Gil Garcetti, District Attorney for Los Angeles, stated, "We at the local level are best able to develop solutions to our unique problems." Similarly, Jim Kester, Juvenile Justice Specialist for the State of Texas stated, "A block grant would enable the State to plan comprehensively and not piece-meal. We believe that block grants will be most successful if Congress sets broad goals and allows states to have flexibility in implementing them." The Committee agrees with these witnesses and has provided them with such flexibility in the new block grant program.

Additional uses of funds under the Prevention Block Grant

Under the Prevention Block Grant funds can be used, but not limited to, programs to prevent animal cruelty by juveniles; suicide prevention; mentoring and positive youth development; a school violence hotline for students and parents to report suspicious, violent or threatening behavior; and character education.

Insuring appropriate treatment of delinquent youth who have been abused

A new State plan requirement addresses the need to insure appropriate interventions for youth who may have public child welfare records. Prevention of delinquent behavior requires early intervention and treatment. Effective treatment relies upon a thorough understanding of the underlying causes of a young person's behavior. Frequently, this behavior can only be understood by a juvenile court when it has full knowledge of a youth's family history. To address this problem, a provision is added to the Act to ensure that when a juvenile is before a court in the juvenile justice system, the court has available all public information on the child that would provide insight into the cause of a child's actions prior to the development and implementation of a treatment plan or a judicial decision about the disposition of the juvenile. The State, to the maximum extent practicable, should implement a system to ensure that if a juvenile is before a court in the juvenile system, public child welfare records (including child protective services records) relating to the juvenile that are on record in the geographical area under the jurisdiction of the court will be made known to the court. As long as appropriate care is taken to protect the confidentiality of such records, the Committee believes this new provision will assist in insuring appropriate interventions to prevent such youth's involvement in further delinquent activities.

General streamlining and flexibility

The Committee believes it is very important to provide States with broad flexibility to design programs that meet their own unique needs in addressing problems of juvenile delinquency, especially juvenile crime. As such, the Committee has eliminated many unnecessary State plan requirements and other provisions that limit State flexibility. A number of witnesses testified in support of State and local flexibility. In testimony before the Subcommittee on Early Childhood, Youth and Families in the 104th Congress, Ron Roberts of the San Diego County Board of Supervisors, stated, "I

would encourage the Subcommittee to support the elements of this legislation that provide flexibility to design and implement local solutions to local problems.”

In addition, the Committee has included language in H.R. 1900 that clarifies the regulatory authority of the Administrator to establish rules, regulations and procedures to the extent necessary to ensure compliance with the specific requirements of Title II or to respond to requests for clarification and guidance relating to such compliance. It is the view of the Committee that the Office of Juvenile Justice and Delinquency Prevention, in the past, has issued regulations that are more prescriptive than the mandates themselves.

The bill also provides that States, which have their own laws requiring compliance with the mandates on deinstitutionalization of status offenders, separate facilities for juveniles and adults, and sight and sound separation of juveniles from adults when they are held in the same facilities, shall be rebuttably presumed to satisfy the requirements under the Act. The bill does not include the mandate dealing with minority over-representation because this specific mandate already allows the State to design efforts to address minority over-representation in the juvenile justice system.

The bill also provides the chief executive officer of each State with greater flexibility in designating the membership of the State advisory group, whose purpose is to advise the State on matters of juvenile justice. H.R. 1900 also requires, for the first time, that the State Attorney General or the State official with primary responsibility for overseeing the enforcement of State criminal laws is to be appointed as a member of the advisory group. The Act further stipulates this individual is to be consulted by the chief executive officer on the selection of other members of the group. The Committee strongly believes the individual in the State, be it the State Attorney General or some other official, who is responsible for overseeing the enforcement of State criminal laws should have a prominent role in planning for activities within the State which address juvenile crime. Their overall knowledge and expertise in this area should not be overlooked.

It is the view of the Committee that this increased flexibility will go a long way in assisting States to develop innovative programs to reduce the incidence of juvenile delinquency.

Prohibition on use of funds

H.R. 1900 provides that funds may not be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime. Justice Department statistics document that of State felony defendants released pending trial, 60 percent were not required to post cash bail. Only 2 in 5 were released under terms requiring a financial surety. One-third of State felony defendants are either re-arrested for a new offense before trial or fail to appear in court as scheduled. Yet, of those already on pretrial release, 56 percent are released again when arrested on new felony charges. Those on secured release are far more likely to come back to court and answer the charges against them than those released on their own recognizance. Furthermore, more people are re-arrested while out on free release than when out on secured release. With cash bail, private industry is monitoring defendants, bearing a cost nor-

mally borne by taxpayers. The Committee thus believes that funds available under the Act should not be subsidizing in any way the unsecured release into the community of juveniles charged with crimes of violence.

H.R. 1900 requires that any residential program receiving funds under this Act be licensed by the State for any State from which it receives out of state placements. This includes standards of discipline that prohibit neglect and abuse as defined by state law.

Research, evaluation, demonstration and statistical functions of the Office of Juvenile Justice and Delinquency Prevention

The Committee has provided for the research/evaluation and statistical functions performed by OJJDP to continue but with the provision to encourage rigorous scientific research, using evidence based reviews of programs. It is the Committee's expectation that the Office of Juvenile Justice and Delinquency Prevention will work closely with National Institute of Justice (NIJ) and Bureau of Justice Statistics (BJS) in setting the research/evaluation and statistics agendas, combining OJJDP's unique programmatic expertise with the technical skills and resources of NIJ and BJS. The Committee expects that OJJDP will maintain qualified staff to plan, identify and oversee the performance of these functions and that the Administrator will continue to fund and administer existing research, evaluation, and statistics.

The Committee has added a new area of research that focuses on the nexus of juvenile justice and child welfare. Fifty percent of juveniles are also known to the child welfare systems. Therefore it is important that continued research be done to insure that the juveniles for whom these systems are responsible are treated appropriately.

The Committee has also provided a new authority for the Administrator to carry out projects for the development, testing and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. It is the view of the Committee that the existing demonstration program was not responsive to changes in the nature of juvenile crime. In fact, the funds were often tied to a set of activities that had to be funded each year regardless of the needs of communities looking for effective initiatives to address juvenile crime. The Committee believes the new Part E demonstration program will provide the Administrator with the flexibility to test a wide range of activities and provide communities with an array of program models they can use to prevent juvenile delinquency.

While the Committee is restructuring the range of activities carried out by the Administrator to provide greater flexibility in the types of programs and activities which are funded, it would like to note that some of the current programs and activities have been effective in their efforts to address juvenile crime. Clay Hollopeter, Executive Director, Boys and Girls Club, El Monte, California stated in a hearing before the Subcommittee on Early Childhood, Youth and Families in the 105th Congress that the Director of the Office of Juvenile Justice and Delinquency Prevention "needed to target programs that really work."

The Committee would also like to highlight the efforts of organizations such as the National Center for Neighborhood Enterprise,

the National Council of Juvenile and Family Court Judges, the National Collaboration of Youth and the National Recreation and Park Association, Bethesda Family Services as especially effective in addressing the needs of juvenile delinquency.

The role of faith based initiatives

Mark Witte of Wedgwood Youth and Family Services spoke in favor of the need for faith based organizations in cooperating with the juvenile justice system in meeting the needs of adjudicated youth. In his testimony on June 6, 2001 before the Subcommittee on Select Education he said:

I am here today, Mr. Chairman, to assure you that there are a host of private and charitably minded faith-based organizations which have been providing quality services under contracts with governmental entities for many years. Faith-based does not mean that quality is of no value. In fact, as you have heard through my prior testimony, our faith perspective is the foundation of our ability to strive for excellence for the people we serve. We have been faith-based for our entire 41 years of existence, and we are delighted to see an increased recognition of the legitimacy of governmental contracts with organizations such as ourselves.

The Committee believes that many faith-based organizations can be partners with the juvenile justice system, and provide essential services to youth who might otherwise have no alternative support system. More research needs to be done to determine the recidivism rates of youth who become part of such faith-based organizations.

Grants to otherwise eligible organizations

H.R. 1900 also provides that nothing in Titles I or II of the Act is to be construed to prevent financial assistance from being awarded through grants to any otherwise eligible organization. The purpose of this language is to clarify that faith-based organizations should not be refused funding because they have a religious affiliation. As long as participants in activities carried out by such organizations are not required to participate in secular activities as a condition of participation (or to be affiliated with a specific religion), the Committee believes such organizations are well qualified to provide quality delinquency prevention and intervention services.

Pat Nolan, President of Justice Fellowship, the public policy arm of Prison Fellowship Ministries, cited Teen Challenge, a faith-based juvenile offender ministry headquartered in Springfield, Missouri: "A 1995 federal government study of Teen Challenge documented that seven years later 70 percent of graduates of the program had not gotten into trouble. Another study showed 67 percent of Teen Challenge graduates abstained from alcohol and drugs. These statistics show that faith-based programs are the one activity proven to change young lives for the better."

Clarification of modification to definitions

The changes to the definitions of “secure detention facility” and “secure correctional facility” are designed to exclude facilities that house only non-offender juveniles from these statutory definitions. Shelter facilities that house these juveniles, who range in age from newborns to age 18, may have construction features designed to restrict the movement of children in these facilities for their own safety and protection. It is not Congress’ intent to prohibit the use of dedicated facilities for these children even where they might otherwise be classified as secure. However, where a hardware secure facility houses juvenile offenders, whether status or delinquent, it shall continue to be defined as a secure detention or correctional facility subject to the core requirements of the Act. It is our expectation that, with this clarification, the Office of Juvenile Justice and Delinquency Prevention will take steps to provide that its regulatory 24-hour hold exception to the current Section 223 (a) (12) (A) deinstitutionalization requirement applies only to status offenders and does not apply to non-offenders. It is the Committee’s view that non-offenders, such as abused and neglected children, should never be placed in any type of secure facility where they are in contact with juvenile offenders.

Need for coordination

The Committee has retained the independent Coordinating Council on Juvenile Justice and Delinquency Prevention. This is an indication that there is a need to coordinate existing federal efforts to prevent and control juvenile delinquency.

The Committee believes that there is the need to coordinate efforts to address the needs of at-risk and delinquent youth in order to prevent overlap and duplication. As such, the Committee has amended Section 204 of current law, Concentration of Federal Efforts, to allow the Administrator to require federal departments and agencies engaged in any activity involving any federal juvenile delinquency program to provide the Administrator with such information as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency. The Committee encourages the collaboration and coordination of community services for juveniles.

Data collection

H.R. 1900 requires the collection of data on the frequency, seriousness, and incidence of drug use by youth, the frequency, degree of harm, and morbidity of violent incidents, particularly firearm-related injuries and fatalities. H.R. 1900 clarifies that this data collection does not permit the development of a national database of personally identifiable information, and that data on the type of weapons used in incidents should be gathered using the classification system in the Uniform Crime Reports of the Federal Bureau of Investigation.

Mental health services

The Committee understands the mental health needs of juveniles, and directs the Administrator to develop model mental health standards that could be used on a voluntary basis. There is a provision for the development of a “plan for providing needed

mental health services to juveniles in the juvenile justice system, including information on how such plan is being implemented and how such services will be targeted to those juveniles who are in greatest need of services.” Throughout H.R. 1900, there is a recognition that mental health services to delinquent juveniles is an important part of the effort to assist them in becoming productive members of society.

Content of materials

The Committee has added a provision to H.R. 1900 that any material produced for distribution by the OJJDP does not denigrate deeply held religious beliefs, while at the same time recognizing that juveniles who commit crimes that result in physical violence must be appropriately punished. The provision clearly states that “materials produced, procured, or distributed both using funds appropriated to carry out this Act and for the purpose of preventing hate crimes that result in acts of physical violence, shall not require any action that abridges or infringes upon the constitutionally protected rights of free speech, religion, or equal protection of juveniles or of their parents or legal guardians.” Juveniles, who commit crimes against others, whatever their motivation, should be held accountable. The Committee also believes that prevention of juvenile crime should be a top priority for all citizens.

Juveniles in foster care

The Committee also recognized the need to protect juveniles who are already part of the foster care system and are adjudicated delinquent. H.R. 1900 requires the state to provide assurances that juvenile offenders whose placement is funded through section 472 of the Social Security Act receive the protections specified in that Act. Those protections include a plan on how the juveniles are to be provided for under the foster care system once they have completed their responsibilities in the juvenile justice system. The Committee believes that appropriate coordination between the foster care system and the courts is in the best interests of the juvenile.

The Committee believes that it has addressed many of the concerns that have been noted by those who have testified before Congress, and the suggestions that have been made by Members during the years that the Juvenile Justice bill has been under consideration. Strengthening the Juvenile Justice System is an important part of maintaining the “general welfare” in America.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title; Table of Contents. Cities the short title as “Juvenile Justice and Delinquency Prevention Act of 2001” and provides a table of contents.

Section 2. Findings. Amends Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601). Sets forth the findings of Congress.

Section 3. Purpose. Amends Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602). Sets forth the purpose of Title I and Title II.

Section 4. Definitions. Amends Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603). Modifies and adds to the definitions under the act.

Section 5. Concentration of Federal Effort. Amends Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614). Revises the duties of the administrator.

Section 6. Coordinating Council on Juvenile Justice and Delinquency Prevention. Makes a technical change.

Section 7. Annual Report. Amends Section 207 of Juvenile Justice and Delinquency Prevention of 1974 (42 U.S.C. 5617). Requires an evaluation of the effectiveness of programs funded in the title.

Section 8. Allocation. Amends Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632). Makes technical changes.

Section 9. State Plans. Amends Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633). Revises the makeup, qualifications and duties of state advisory groups. Amends or eliminates specific state plan requirements. Modifies the list of activities eligible for funding under the formula grant program.

Section 10. Juvenile Delinquency Block Grant Program. Amends Title II of Juvenile Justice Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) Repeals Part C (National Programs), Part D (Gangs), Part E (State Challenge Activities), Part F (Treatment of Juvenile Offenders Who Are Victims of Child Abuse or Neglect), Part G (Mentoring), Part H (Boot Camps), and the first sub-part of Part I (White House Conference on Juvenile Justice). Creates a new Part C that establishes the Juvenile Delinquency Prevention Block Grant and sets forth the allocation of funds, state plan requirements and criteria and eligibility for grants for local projects.

Section 11. Research; Evaluation; Technical Assistance; Training. Amends Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) Creates a new Part D that authorizes research, training, technical assistance and information dissemination regarding juvenile justice matters through the Office of Juvenile Crime Control and Delinquency Prevention.

Section 12. Demonstration Projects. Amends Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) Creates a new Part E that permits the administrator to award grants for developing, testing, and demonstrating new initiatives and programs for the prevention, control or reduction of juvenile delinquency.

Section 13. Authorization of Appropriations. Amends Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671). Authorizes such sums as may be appropriate to carry out Title II of this act.

Section 14. Administrative Authority. Amends Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672). Modifies the section of current law outlining the administrator's authority to establish rules, regulations, and procedures.

Section 15. Use of Funds. Amends Section 299C of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674). Makes technical amendments.

Section 16. Limitation on Use of Funds. Amends Title II, Part F of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.) as amended. Adds a new section to Title II of current law to prevent funds from being used to support the unsecured release of juveniles charged with a violent crime.

Section 17. Rules of Construction. Amends Title II, Part F of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.) as amended and redesignated. Adds a new section to Title II of current law to clarify that nothing in Titles I or II is to prevent otherwise eligible organizations from receiving grants or to modify or affect existing federal or state laws related to collective bargaining rights of employees.

Section 18. Leasing Surplus Federal Property. Amends Title II, Part F of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.) as amended and redesignated. Permits the administrator to receive surplus federal property and lease it to eligible entities for use in juvenile facilities or for delinquency prevention and treatment activities.

Section 19. Issuance of Rules. Amends Title II, Part F of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.) as amended and redesignated. Allows the administrator to issue rules to carry out the title.

Section 20. Content of Materials. Amends Title II, Part F of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.) as amended and redesignated. Adds a new section requiring that materials funded by this act for the purpose of hate crimes prevention shall not abridge or infringe upon the constitutionally protected rights of free speech, religion, and equal protection of juveniles or their parents or legal guardians as redesignated and amended.

Section 21. Technical and Conforming Amendments. Amends the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) as amended. Sets forth technical and conforming changes.

Section 22. Effective Date; Application of Amendments. Sets forth the effective date of the act and states that amendments made by the act shall apply to fiscal years beginning after September 30, 2001.

EXPLANATION OF AMENDMENTS

The Amendment in the Nature of a Substitute is explained in the body of this report.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. H.R. 1900 authorizes programs under the Juvenile Justice and Delinquency Prevention Act. The bill does not prevent legislative branch employees from receiving services and protections provided under this legislation.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Man-

dates Reform Act, P.L. 104-4) requires a statement of whether the provisions of the reported bill include unfunded mandates. H.R. 1900 authorizes discretionary spending programs under the Juvenile Justice and Delinquency Prevention Act. As such, the bill does not contain any unfunded mandates.

ROLLCALL VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee Report to include for each record vote on a motion to report the measure or matter and on any amendments offered to the measure or matter the total number of votes for and against and the names of the Members voting for and against.

COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 1 BILL H.R. 1990 DATE August 1, 2001

AMENDMENT NUMBER 2 DEFEATED 13 28

SPONSOR/AMENDMENT Mr. Schaffer / amendment to provide for a comprehensive evaluation of JIDPA by the GAO and to repeal the programs under JIDPA after fiscal years 2006 and 2007

MEMBER	AYE	NO	PRESENT	NOT VOTING
Mr. BOEHNER, Chairman		X		
Mr. PETRI, Vice Chairman				X
Mrs. ROUKEMA		X		
Mr. BALLENGER	X			
Mr. HOEKSTRA				X
Mr. McKEON		X		
Mr. CASTLE		X		
Mr. JOHNSON	X			
Mr. GREENWOOD		X		
Mr. GRAHAM	X			
Mr. SOUDER	X			
Mr. NORWOOD				X
Mr. SCHAFER	X			
Mr. UPTON		X		
Mr. HILLEARY	X			
Mr. EHLERS		X		
Mr. TANCREDI	X			
Mr. FLETCHER	X			
Mr. DEMINT	X			
Mr. ISAKSON		X		
Mr. GOODLATTE	X			
Mrs. BIGGERT		X		
Mr. PLATTS		X		
Mr. TIBERI		X		
Mr. KELLER		X		
Mr. OSBORNE		X		
Mr. CULBERSON	X			
Mr. MILLER		X		
Mr. KILDEE				X
Mr. OWENS				X
Mr. PAYNE				X
Mrs. MINK		X		
Mr. ANDREWS		X		
Mr. ROEMER		X		
Mr. SCOTT		X		
Ms. WOOLSEY		X		
Ms. RIVERS		X		
Mr. HINOJOSA				X
Mrs. McCARTHY		X		
Mr. TIERNEY		X		
Mr. KIND		X		
Ms. SANCHEZ				X
Mr. FORD		X		
Mr. KUCINICH		X		
Mr. WU	X			
Mr. HOLT		X		
Ms. SOLIS		X		
Ms. DAVIS		X		
Ms. McCOLLUM	X			
TOTALS	13	28		8

COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 2

BILL H.R. 1900

DATE August 1, 2001

H.R. 1900 was ordered favorably reported as amended by a vote of 41 - 2

SPONSOR/AMENDMENT Mr. Greenwood / motion to report the bill with an amendment in the nature of a substitute and with the recommendation that the bill as amended do pass

MEMBER	AYE	NO	PRESENT	NOT VOTING
Mr. BOEHNER, Chairman	X			
Mr. PETRI, Vice Chairman				X
Mrs. ROUKEMA	X			
Mr. BALLENGER	X			
Mr. HOEKSTRA				X
Mr. McKEON	X			
Mr. CASTLE	X			
Mr. JOHNSON	X			
Mr. GREENWOOD	X			
Mr. GRAHAM	X			
Mr. SCUDER				X
Mr. NORWOOD				X
Mr. SCHAFER		X		
Mr. UPTON	X			
Mr. HILLEARY	X			
Mr. EHLERS	X			
Mr. TANCREDI	X			
Mr. FLETCHER	X			
Mr. DEMINT	X			
Mr. ISAKSON	X			
Mr. GOODLATIE	X			
Mrs. BIGGERT	X			
Mr. PLATTIS	X			
Mr. TIBERI	X			
Mr. KELLER	X			
Mr. OSBORNE	X			
Mr. CULBERSON	X			
Mr. MILLER	X			
Mr. KILDEE				X
Mr. OWENS	X			
Mr. PAYNE		X		
Mrs. MINK	X			
Mr. ANDREWS	X			
Mr. ROEMER	X			
Mr. SCOTT	X			
Ms. WOOLSEY	X			
Ms. RIVERS	X			
Mr. HINOJOSA				X
Mrs. McCARTHY	X			
Mr. TIERNEY	X			
Mr. KIND	X			
Ms. SANCHEZ	X			
Mr. FORD	X			
Mr. KUCINICH	X			
Mr. WU	X			
Mr. HOLT	X			
Ms. SOLIS	X			
Ms. DAVIS	X			
Ms. McCOLLUM	X			
TOTALS	41	2		6

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF
THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of 3(c)(3) of rule XIII of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 1900 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 4, 2001.

Hon. JOHN A. BOEHNER,
*Chairman, Committee on Education and the Workforce
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1900, the Juvenile Crime Control and Delinquency Prevention Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Mark Grabowicz (for federal costs), and Shelley Finlayson (for the state and local impact).

Sincerely,

BERRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 1900—Juvenile Crime Control and Delinquency Prevention Act
of 2001*

Summary: H.R. 1900 would authorize the appropriation of such sums as necessary for each of fiscal years 2002 through 2006 for programs aimed at preventing juvenile delinquency. Assuming appropriation of the necessary funds, CBO estimates that implementing H.R. 1900 would cost about \$900 million over the 2002–2006 period of funding is provided at the 2001 level adjusted for inflation. We estimate that the cost to implement the bill would be about \$50 million less over this period if funding is maintained at the 2001 level without adjustments for inflation. This legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 1900 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Enactment of this legislation would benefit state, local, and tribal governments because it would consolidate several juvenile justice grant programs into the Juvenile Delinquency Prevention Block Grant program. Further, the bill would revise state formula grant

requirements, adding some new conditions while easing some existing conditions. Any costs incurred by these governments would be the result of complying with grant conditions and would be voluntary.

Estimated cost to the Federal Government: For this estimate, CBO assumes that the necessary funds would be appropriated by the start of each fiscal year and that outlays would follow the historical rates for the authorized activities. CBO estimated spending under two different sets of assumptions, representing continued funding for these programs at the current level of appropriations with and without an adjustment for anticipated inflation. Our estimate of the amounts necessary under H.R. 1900 are based on the 2001 appropriations for programs that would be authorized by the bill, a total of \$269 million. The costs of this legislation fall within budget function 750 (administration of justice).

	By fiscal year, in millions of dollars—					
	2001	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION						
With Adjustment For Inflation						
Spending Under Current Law:						
Budget Authority ¹	269	0	0	0	0	0
Estimated Outlays	190	184	126	94	0	0
Proposed Changes:						
Estimated Authorization Level	0	276	283	290	297	304
Estimated Outlays	0	33	111	183	284	291
Spending Under H.R. 1900:						
Estimated Authorization Level ¹	269	276	283	290	297	304
Estimated Outlays	190	217	237	277	284	291
Without Adjustment For Inflation						
Spending Under Current Law:						
Budget Authority ¹	269	0	0	0	0	0
Estimated Outlays	190	184	126	94	0	0
Proposed Changes:						
Estimated Authorization Level	0	269	269	269	269	269
Estimated Outlays	0	32	108	175	269	269
Spending Under H.R. 1900:						
Estimated Authorization Level ¹	269	269	269	269	269	269
Estimated Outlays	190	216	234	269	269	269

¹ The 2000 level is the amount appropriated to the Department of Justice for that year for the juvenile delinquency prevention programs that would be authorized by H.R. 1900.

Pay-as-you-go considerations: None.

Estimated impact on state, local, and tribal governments: H.R. 1900 contains no intergovernmental mandates as defined in UMRA and would benefit state, local, and tribal governments. The bill would consolidate several juvenile justice grant programs into the Juvenile Delinquency Prevention Block Grant program, thus giving state, local, and tribal governments more flexibility in using these funds to control juvenile crime and delinquency.

In some cases, additional conditions would be placed on the use of grant funds, but overall, state, local, and tribal governments would benefit from continued funding, the extension of existing grant programs, and in many cases a greater degree of flexibility in administering programs. Any costs incurred by these governments would be the result of complying with grant conditions and would be voluntary.

Estimated impact on the private sector: H.R. 1900 contains no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Mark Grabowicz. Impact on State, Local, and Tribal Governments: Shelley Finalyson. Impact on the Private Sector: Paige Pipe/Bach.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with Clause (3)(c) of House Rule XIII, the goals of H.R. 1900 are (1) to assist State and local governments in their efforts to reduce juvenile crime through the funding of prevention programs and activities, which hold juveniles accountable for their actions and (2) to provide technical assistance, research and dissemination of information on effective programs for combating juvenile crime to State and local governments. The Committee expects the Department of Justice to comply with H.R. 1900 and implement the changes to the law in accordance with these stated goals.

CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by H.R. 1900. The Committee believes that the amendments, made by this bill to the Juvenile Justice and Delinquency Prevention Act, are within Congress' authority under Article I, section 8, clause 1 of the Constitution.

COMMITTEE ESTIMATE

Clauses 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 1900. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

* * * * *

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

【FINDINGS

【SEC. 101. (a) The Congress hereby finds that—

[(1) juveniles accounted for almost half the arrests for serious crimes in the United States in 1974 and for less than one-third of such arrests in 1983;

[(2) recent trends show an upsurge in arrests of adolescents for murder, assault, and weapon use;

[(3) the small number of youth who commit the most serious and violent offenses are becoming more violent;

[(4) understaffed, overcrowded juvenile courts, prosecutorial and public defender offices, probation services, and correctional facilities and inadequately trained staff in such courts, services, and facilities are not able to provide individualized justice or effective help;

[(5) present juvenile courts, foster and protective care programs, and shelter facilities are inadequate to meet the needs of children, who, because of this failure to provide effective services, may become delinquents;

[(6) existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse alcohol and other drugs, particularly nonopiate or polydrug abusers;

[(7) juvenile delinquency can be reduced through programs designed to keep students in elementary and secondary schools through the prevention of unwarranted and arbitrary suspensions and expulsions;

[(8) State and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency;

[(9) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency;

[(10) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation;

[(11) emphasis should be placed on preventing youth from entering the juvenile justice system to begin with; and

[(12) the incidence of juvenile delinquency can be reduced through public recreation programs and activities designed to provide youth with social skills, enhance self esteem, and encourage the constructive use of discretionary time.

[(b) Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency.

[PURPOSE

[SEC. 102. (a) It is the purpose of this Act—

[(1) to provide for the thorough and ongoing evaluation of all federally assisted juvenile justice and delinquency prevention programs;

[(2) to provide technical assistance to public and private nonprofit juvenile justice and delinquency prevention programs;

[(3) to establish training programs for persons, including professionals, paraprofessionals, and volunteers, who work with delinquents or potential delinquents or whose work or activities relate to juvenile delinquency programs;

[(4) to establish a centralized research effort on the problems of juvenile delinquency, including the dissemination of the findings of such research and all data related to juvenile delinquency;

[(5) to develop and encourage the implementation of national standards for the administration of juvenile justice, including recommendations for administrative, budgetary, and legislative action at the Federal, State, and local level to facilitate the adoption of such standards;

[(6) to assist State and local communities with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions;

[(7) to establish a Federal assistance program to deal with the problems of runaway and homeless youth;

[(8) to strengthen families in which juvenile delinquency has been a problem;

[(9) to assist State and local governments in removing juveniles from jails and lockups for adults;

[(10) to assist State and local governments in improving the administration of justice and services for juveniles who enter the system; and

[(11) to assist States and local communities to prevent youth from entering the justice system to begin with.

[(b) It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency, including methods with a special focus on preserving and strengthening families so that juveniles may be retained in their homes; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention; (5) to encourage parental involvement in treatment and alternative disposition programs; and (6) to provide for coordination of services between State, local, and community-based agencies and to promote interagency cooperation in providing such services.】

FINDINGS

SEC. 101. (a) The Congress finds the following:

(1) *Although the juvenile violent crime arrest rate in 1999 was the lowest in the decade, there remains a consensus that the number of crimes and the rate of offending by juveniles nationwide is still too high.*

(2) *According to the Office of Juvenile Justice and Delinquency Prevention, allowing 1 youth to leave school for a life of crime and of drug abuse costs society \$1,700,000 to \$2,300,000 annually.*

(3) *One in every 6 individuals (16.2 percent) arrested for committing violent crime in 1999 was less than 18 years of age. In 1999, juveniles accounted for 9 percent of murder arrests, 17 percent of forcible rape arrests, 25 percent of robbery arrest, 14 percent of aggravated assault arrests, and 24 percent of weapons arrests.*

(4) *More than $\frac{1}{2}$ of juvenile murder victims are killed with firearms. Of the nearly 1,800 murder victims less than 18 years of age, 17 percent of the victims less than 13 years of age were murdered with a firearm, and 81 percent of the victims 13 years of age or older were killed with a firearm.*

(5) *Juveniles accounted for 13 percent of all drug abuse violation arrests in 1999. Between 1990 and 1999, juvenile arrests for drug abuse violations rose 132 percent.*

(6) *Over the last 3 decades, youth gang problems have increased nationwide. In the 1970's, 19 States reported youth gang problems. By the late 1990's, all 50 States and the District of Columbia reported gang problems. For the same period, the number of cities reporting youth gang problems grew 843 percent, and the number of counties reporting gang problems increased more than 1,000 percent.*

(7) *According to a national crime survey of individuals 12 years of age or older during 1999, those 12 to 19 years old are victims of violent crime at higher rates than individuals in all other age groups. Only 30.8 percent of these violent victimizations were reported by youth to police in 1999.*

(8) *One-fifth of juveniles 16 years of age who had been arrested were first arrested before attaining 12 years of age. Juveniles who are known to the juvenile justice system before attaining 13 years of age are responsible for a disproportionate share of serious crimes and violence.*

(9) *The increase in the arrest rates for girls and young juvenile offenders has changed the composition of violent offenders entering the juvenile justice system.*

(10) *These problems should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—*

(A) *quality prevention programs that—*

(i) *work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and*

(ii) *are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and*

(B) programs that assist in holding juveniles accountable for their actions and in developing the competencies necessary to become responsible and productive members of their communities, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

(11) Coordinated juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter can help prevent juveniles from becoming delinquent and help delinquent youth return to a productive life.

(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts and which provide opportunities for competency development. Without true reform, the juvenile justice system will not be able to overcome the challenges it will face in the coming years when the number of juveniles is expected to increase by 18 percent between 2000 and 2030.

PURPOSES

SEC. 102. The purposes of this title and title II are—

(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.

SEC. 103. For purposes of this Act—

*(1) * * **

** * * * **

(3) the term “juvenile delinquency program” means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity [to help prevent juvenile delinquency] designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior;

(4)(A) the term “Bureau of Justice Assistance” means the bureau established by section 401 of title I of the Omnibus Crime Control and Safe Streets Act of 1968;

(B) the term “Office of Justice Programs” means the office established by section 101 of title I of the Omnibus Crime Control and Safe Streets Act of 1968;

(C) the term “National Institute of Justice” means the institute established by section 202(a) of *title I* of the Omnibus Crime Control and Safe Streets Act of 1968; and

(D) the term “Bureau of Justice Statistics” means the bureau established by section 302(a) of *title I* of the Omnibus Crime Control and Safe Streets Act of 1968;

* * * * *

(7) the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, [the Trust Territory of the Pacific Islands,] the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

* * * * *

(12) the term “secure detention facility” means any public or private residential facility which—

(A) * * *

(B) is used for the temporary placement of any juvenile who is accused of having committed an offense[, of any nonoffender,] or of any other individual accused of having committed a criminal offense;

(13) the term “secure correctional facility” means any public or private residential facility which—

(A) * * *

(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense[, any nonoffender,] or any other individual convicted of a criminal offense;

(14) the term “serious crime” means criminal homicide, forcible rape or other sex offenses punishable as a felony, mayhem, kidnapping, aggravated assault, *drug trafficking*, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony;

* * * * *

(16) the term “valid court order” means a court order given by a juvenile court judge to a juvenile—

(A) who was brought before the court and made subject to such order; *and*

* * * * *

[(C) with respect to whom an appropriate public agency (other than a court or law enforcement agency), before the issuance of such order—

[(i) reviewed the behavior of such juvenile and the circumstances under which such juvenile was brought before the court and made subject to such order;

[(ii) determined the reasons for the behavior that caused such juvenile to be brought before the court and made subject to such order;

[(iii) determined that all dispositions (including treatment), other than placement in a secure detention facility or a secure correctional facility, have been exhausted or are clearly inappropriate; and

[(iv) submitted to the court a written report stating the results of the review conducted under clause (i) and the determinations made under clauses (ii) and (iii);]

* * * * *

(22) the term “jail or lockup for adults” means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

[(i)] (A) pending the filing of a charge of violating a criminal law;

[(ii)] (B) awaiting trial on a criminal charge; or

[(iii)] (C) convicted of violating a criminal law; [and]

(23) the term “nonprofit organization” means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986[.];

(24) *the term “graduated sanctions” means an accountability-based, graduated series of sanctions (including incentives, treatment, and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;*

(25) *the term “prohibited physical contact” means—*

(i) any physical contact between a juvenile and an adult inmate; and

(ii) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate;

(26) *the term “sustained oral and visual contact” means the imparting or interchange of speech by or between an adult inmate and a juvenile, or clear visual contact between an adult inmate and a juvenile in close proximity, but does not include—*

(A) brief communication or brief visual contact that is accidental or incidental; or

(B) sounds or noises that cannot reasonably be considered to be speech;

(27) *the term “adult inmate” means an individual who—*

(A) has reached the age of full criminal responsibility under applicable State law; and

(B) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense;

(28) *the term “violent crime” means—*

(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

(B) aggravated assault committed with the use of a firearm;

(29) *the term “collocated facilities” means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and*

(30) *the term “related complex of buildings” means 2 or more buildings that share—*

(A) *physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or*

(B) *the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.*

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

* * * * *

PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS

SEC. 202. (a) * * *

(b) The Administrator is authorized to select, appoint, and employ not to exceed three officers and to fix their compensation at rates not to exceed the rate now or hereafter [prescribed for GS-18 of the General Schedule by section 5332] *payable under section 5376 of title 5 of the United States Code.*

* * * * *

CONCENTRATION OF FEDERAL EFFORTS

SEC. 204. (a) * * *

(b) In carrying out the purposes of this Act, the Administrator shall—

(1) * * *

* * * * *

(3) conduct and support evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities [and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered];

* * * * *

(5)(A) develop for each fiscal year, and publish annually in the Federal Register for public comment, a proposed comprehensive plan describing the particular activities which the Administrator intends to carry out under [parts C and D] *parts D and E* in such fiscal year, specifying in detail those activities designed to satisfy the requirements of [parts C and D] *parts D and E*; and

(B) taking into consideration comments received during the 45-day period beginning on the date the proposed plan is published, develop and publish a final plan, before December 31 of such fiscal year, describing the particular activities which the Administrator intends to carry out under [parts C and D] *parts D and E* in such fiscal year, specifying in detail those activities designed to satisfy the requirements of [parts C and D] *parts D and E*;

* * * * *

[(7) not later than 1 year after the date of the enactment of this paragraph, issue model standards for providing health care to incarcerated juveniles.]

(7) not later than 1 year after the date of the enactment of this paragraph, issue model standards for providing mental health care to incarcerated juveniles.

(c) The Administrator may require, through appropriate authority, Federal departments and agencies engaged in any activity involving any Federal juvenile delinquency program to provide the Administrator with such information [and reports, and to conduct such studies and surveys, as the Administrator may deem to be necessary to carry out the purposes of this part] *as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency.*

* * * * *

[(h)] (f) All functions of the Administrator under this title shall be coordinated as appropriate with the functions of the Secretary of Health and Human Services under title III of this Act.

[(i)(1) The Administrator shall require through appropriate authority each Federal agency which administers a Federal juvenile delinquency program to submit annually to the Council a juvenile delinquency development statement. Such statement shall be in addition to any information, report, study, or survey which the Administrator may require under subsection (c).

[(2) Each juvenile delinquency development statement submitted to the Administrator under paragraph (1) shall contain such information, data, and analyses as the Administrator may require. Such analyses shall include an analysis of the extent to which the juvenile delinquency program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile delinquency prevention and treatment goals and policies.

[(3) The Administrator shall review and comment upon each juvenile delinquency development statement transmitted to the Administrator under paragraph (1). Such development statement, together with the comments of the Administrator, shall be included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation which significantly affects juvenile delinquency prevention and treatment.]

* * * * *

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 206. (a) * * *

* * * * *

(c)(1) * * *

(2) In addition to performing their functions as members of the Council, the members appointed under subsection (a)(2) shall collectively—

(A) * * *

(B) not later than 180 days after the date of the enactment of this paragraph, submit such recommendations to the Administrator, the Chairman of the Committee on [Education and Labor] *Education and the Workforce* of the House of Rep-

representatives, and the Chairman of the Committee on the Judiciary of the Senate.

* * * * *

ANNUAL REPORT

SEC. 207. Not later than 180 days after the end of a fiscal year, the Administrator shall submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate a report that contains the following with respect to such fiscal year:

(1) * * *

* * * * *

[(4) A summary of each program or activity for which assistance is provided under part C or D, an evaluation of the results of such program or activity, and a determination of the feasibility and advisability of replacing such program or activity in other locations.

[(5) A description of selected exemplary delinquency prevention programs for which assistance is provided under this title, with particular attention to community-based juvenile delinquency prevention programs that involve and assist families of juveniles.]

(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

AUTHORITY TO MAKE GRANTS AND CONTRACTS

SEC. 221. (a) * * *

(b)(1) * * *

(2) Grants and contracts may be made under paragraph (1) only to public and private agencies, organizations, and individuals that have experience in providing such technical assistance. [In providing such technical assistance, the recipient of a grant or contract under this subsection shall coordinate its activities with the State agency described in section 299(c)(1).]

ALLOCATION

SEC. 222. (a)(1) * * *

(2)(A) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this title [(other than parts D and E)] is less than \$75,000,000, then the amount allocated to each State for such fiscal year shall be not less than \$325,000, or such greater [amount, up to \$400,000,] *amount up to \$400,000* as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year [1992] 2000, except that the amount allocated to the Virgin Islands of the United States, Guam, American Samoa, [the Trust Territory of the Pacific Islands,] and the Commonwealth of the Northern Mariana Islands shall be not less than \$75,000, or such greater [amount, up to \$100,000,] *amount up to \$100,000* as is available to be allocated without reducing the amount of any State

or territory's allocation below the amount allocated for fiscal year **[1992] 2000**, each.

(B) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this title **[(other than part D)]** equals or exceeds \$75,000,000, then the amount allocated to each State for such fiscal year shall be not less than **[\$400,000] \$600,000**, **[or such greater amount, up to \$600,000, as is available to be allocated if appropriations have been enacted and made available to carry out parts D and E in the full amounts authorized by section 299(a) (1) and (3)]** except that the amount allocated to the Virgin Islands of the United States, Guam, American Samoa, **[the Trust Territory of the Pacific Islands,]** and the Commonwealth of the Northern Mariana Islands shall be not less than \$100,000, or such greater **[amount, up to \$100,000,]** *amount up to \$100,000* as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year **[1992] 2000**, each.

(3) If, as a result of paragraph (2), the amount allocated to a State for a fiscal year would be less than the amount allocated to such State for fiscal year **[1992] 2000**, then the amounts allocated to satisfy the requirements of such paragraph shall be reduced pro rata to the extent necessary to **[allot]** *allocate* to such State for the fiscal year the amount allocated to such State for fiscal year **[1992] 2000**.

(b) If any amount so allocated remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Any amount so reallocated shall be in addition to the amounts already allocated and available to the State, the Virgin Islands, American Samoa, Guam, **[the Trust Territory of the Pacific Islands,]** and the Commonwealth of the Northern Mariana Islands for the same period.

* * * * *

STATE PLANS

SEC. 223. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include new programs **[and challenge activities subsequent to State participation in part E],** *projects, and activities*. The State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall—

(1) * * *

* * * * *

(3) provide for an advisory group**[, which—]** *that—*

(A) shall consist of **[not less than 15 and not more than 33]** *the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and members appointed by the chief executive officer of the State, in consultation with the attorney general of the State or such other State*

official who has primary responsibility for overseeing the enforcement of State criminal laws—

(i) which members have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency **【or the administration of juvenile justice】**, *the administration of juvenile justice, or the reduction of juvenile delinquency;*

(ii) which members **【include—**

【(I) at least 1 locally elected official representing general purpose local government;

【(II) representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;

【(III) representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;

【(IV) representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;

【(V) volunteers who work with delinquents or potential delinquents;

【(VI) youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;

【(VII) persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and

【(VIII) persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;】

represent a multidisciplinary approach to addressing juvenile delinquency and may include—

(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

(II) such other individuals as the chief executive officer considers to be appropriate; and

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【(iv) at least one-fifth of which members shall be under the age of 24 at the time of appointment; and

[(v) at least 3 members who have been or are currently under the jurisdiction of the juvenile justice system;]

* * * * *

(D) shall, consistent with this title—

(i) advise the State agency designated under paragraph (1) and its supervisory board; *and*

(ii) submit to the chief executive officer and the legislature of the State at least annually recommendations regarding State compliance with the requirements of [paragraphs (12), (13), and (14) and with progress relating to challenge activities carried out pursuant to part E] *paragraphs (11), (12), and (13); and*

[(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and]

(E) may, consistent with this [title—

[(i) advise on State supervisory board and local criminal justice advisory board composition;

[(ii)] *title*, review progress and accomplishments of projects funded under the State plan.

* * * * *

(5) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 66 $\frac{2}{3}$ per centum of funds received by the State under section 222[, other than] *reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding funds made available to the state advisory group under section 222(d), shall be expended—*

(A) * * *

* * * * *

(C) to provide funds for programs of Indian tribes that perform law enforcement functions (as determined by the Secretary of the Interior) and that agree to attempt to comply with the requirements specified in [paragraphs (12)(A), (13), and (14)] *paragraphs (11), (12), and (13)*, applicable to the detention and confinement of juveniles, an amount that bears the same ratio to the aggregate amount to be expended through programs referred to in subparagraphs (A) and (B) as the population under 18 years of age in the geographical areas in which such tribes perform such functions bears to the State population under 18 years of age.

[(6) provide that the chief executive officer of the unit of local government shall assign responsibility for the preparation and administration of the local government's part of a State plan, or for the supervision of the preparation and administration of the local government's part of the State plan, to that agency within the local government's structure or to a regional planning agency (hereinafter in this part referred to as the

“local agency”) which can most effectively carry out the purposes of this part and shall provide for supervision of the programs funded under this part by that local agency;】

【(7)】 (6) provide for an equitable distribution of the assistance received under section 222 within the State, *including in rural areas*;

【(8)】 (7)(A) provide 【for (i) an analysis of juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) within the relevant jurisdiction】 *for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State* (including any geographical area in which an Indian tribe performs law enforcement functions), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) 【of the jurisdiction; (ii) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (iii) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;】 *of the State; and*

【(B) contain—

【(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services for females; and

【(ii) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;】

(B) contain—

(i) *a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;*

(ii) *a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and*

(iii) *a plan for providing needed mental health services to juveniles in the juvenile justice system, including information on how such plan is being implemented and how such services will be targeted to those juveniles in such system who are in greatest need of such services;*

【(C) contain—

【(i) an analysis of services for the prevention and treatment of juvenile delinquency in rural areas, including the need for such services, the types of such services available in rural areas, and geographically unique barriers to providing such services; and

[(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

[(D) contain—

[(i) an analysis of mental health services available to juveniles in the juvenile justice system (including an assessment of the appropriateness of the particular placements of juveniles in order to receive such services) and of barriers to access to such services; and

[(ii) a plan for providing needed mental health services to juveniles in the juvenile justice system;]

[(9) provide for the active consultation with and participation of private agencies in the development and execution of the State plan; and provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, special education, recreation, health, and welfare within the State;]

(8) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;

[(10)] (9) provide that not less than 75 percent of the funds available to the State under section 222, other than funds made available to the State advisory group under section 222(d), whether expended directly by the State, by the unit of local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

(A) community-based alternatives (including home-based alternatives) to incarceration and institutionalization[, specifically] *including—*

[(i) for youth who can remain at home with assistance: home probation and programs providing professional supervised group activities or individualized mentoring relationships with adults that involve the family and provide counseling and other supportive services;]

[(ii)] (i) for youth who need temporary placement: crisis intervention, shelter, and after-care; and

[(iii)] (ii) for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

* * * * *

[(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth affected by the juvenile justice system;]

(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

(E) educational programs or supportive services for delinquent or other juveniles, provided equitably regardless of sex, race, or family income, designed to—

[(i) encourage juveniles to remain in elementary and secondary schools or in alternative learning situations, including—

[(I) education in settings that promote experiential, individualized learning and exploration of academic and career options;

[(II) assistance in making the transition to the world of work and self-sufficiency;

[(III) alternatives to suspension and expulsion; and

[(IV) programs to counsel delinquent juveniles and other juveniles regarding the opportunities that education provides; and]

juveniles—

(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and

[(ii)] (iii) enhance coordination with the local schools that such juveniles would otherwise attend, to ensure that—

(I) * * *

* * * * *

[(F) expanded use of home probation and recruitment and training of home probation officers, other professional and paraprofessional personnel, and volunteers to work effectively to allow youth to remain at home with their families as an alternative to incarceration or institutionalization;

[(G) youth-initiated outreach programs designed to assist youth (including youth with limited proficiency in English) who otherwise would not be reached by traditional youth assistance programs;]

(F) expanding the use of probation officers—

(i) particularly for the purpose of permitting non-violent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

(ii) to ensure that juveniles follow the terms of their probation;

(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, Department of Defense personnel, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;

(H) programs designed to develop and implement projects relating to juvenile delinquency and learning dis-

abilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other **handicapped youth** *juveniles with disabilities*;

* * * * *

[(K)] law-related education programs (and projects) for delinquent and at-risk youth designed to prevent juvenile delinquency;

[(L)] *(K)* programs for positive youth development that assist delinquent and other at-risk youth in obtaining—

(i) * * *

* * * * *

(iv) a sense of independence and control over one's life; *and*
 (v) a sense of closeness in interpersonal relationships; **and**

[(vi)] a sense of competence and mastery including health and physical competence, personal and social competence, cognitive and creative competence, vocational competence, and citizenship competence, including ethics and participation;

[(M)] *(L)* programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

(i) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, **boot camps** and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

* * * * *

[(N)] programs designed to prevent and reduce hate crimes committed by juveniles, including educational programs and sentencing programs designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration; **and**

(M) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;

[(O)] *(N)* programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and **cultural** *other* bar-

riers that may prevent the complete treatment of such juveniles and the preservation of their families【.】;

(O) *programs designed to prevent and to reduce hate crimes committed by juveniles;*

(P) *after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;*

(Q) *community-based programs that provide follow-up post-placement services to adjudicated juveniles, to promote successful reintegration into the community;*

(R) *projects designed to develop and implement programs to protect the rights of juveniles affected by the juvenile justice system; and*

(S) *programs designed to provide mental health services for incarcerated juveniles suspected to be in need of such services, including assessment, development of individualized treatment plans, and discharge plans.*

【(11)】 (10) provide for the development of an adequate research, training, and evaluation capacity within the State;

【(12)(A) provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult or offenses (other than an offense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18, United States Code, or a similar State law), or alien juveniles in custody, or such nonoffenders as dependent or neglected children, shall not be placed in secure detention facilities or secure correctional facilities; and

【(B) provide that the State shall submit annual reports to the Administrator containing a review of the progress made by the State to achieve the deinstitutionalization of juveniles described in subparagraph (A) and a review of the progress made by the State to provide that such juveniles, if placed in facilities, are placed in facilities which (i) are the least restrictive alternatives appropriate to the needs of the child and the community; (ii) are in reasonable proximity to the family and the home communities of such juveniles; and (iii) provide the services described in section 103(1);

【(13) provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which they have contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges or with the part-time or full-time security staff (including management) or direct-care staff of a jail or lockup for adults;

【(14) provide that, beginning after the five-year period following December 8, 1980, no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall, through 1997, promulgate regulations which make exceptions with regard to the detention of juveniles accused of nonstatus offenses who are awaiting an initial court appearance pursuant to an enforceable State law requiring such appearances within twenty-four hours (except in the case of Alas-

ka where such time limit may be forty-eight hours in fiscal years 2000 through 2002) after being taken into custody (excluding weekends and holidays) provided that such exceptions are limited to areas that are in compliance with paragraph (13) and—

[(A)(i) are outside a Standard Metropolitan Statistical Area; and

[(ii) have no existing acceptable alternative placement available;

[(B) are located where conditions of distance to be traveled or the lack of highway, road, or other ground transportation do not allow for court appearances within 24 hours, so that a brief (not to exceed 48 hours) delay is excusable; or

[(C) are located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel;]

(11) *shall, in accordance with rules issued by the Administrator, provide that—*

(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

(B) juveniles—

(i) who are not charged with any offense; and

(ii) who are—

(I) aliens; or

(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;

(12) *provide that—*

(A) juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have prohibited physical contact or sustained oral and visual contact with adult inmates; and

(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in colocated facilities, have been trained and certified to work with juveniles;

(13) *provide that no juvenile will be detained or confined in any jail or lockup for adults except—*

(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

- (i) for processing or release;
- (ii) while awaiting transfer to a juvenile facility; or
- (iii) in which period such juveniles make a court appearance;

and only if such juveniles do not have prohibited physical contact or sustained oral and visual contact with adults inmates and only if there is in effect in the State a policy that requires individuals who work with both such juveniles and adult inmates in colocated facilities have been trained and certified to work with juveniles;

(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup—

- (i) in which—

(I) such juveniles do not have prohibited physical contact or sustained oral and visual contact with adults inmates; and

(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and adults inmates in colocated facilities have been trained and certified to work with juveniles; and

- (ii) that—

(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

(III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

(C) juveniles who are accused of nonstatus offenses and who are detained not to exceed 20 days in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

- (i) such jail or lockup—

(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

(II) has no existing acceptable alternative placement available;

- (ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved, in consultation with the

counsel representing the juvenile, consents to detaining such juvenile in accordance with this subparagraph and has the right to revoke such consent at any time;
(iii) the juvenile has counsel, and the counsel representing such juvenile—

(I) consults with the parents of the juvenile to determine the appropriate placement of the juvenile; and

(II) has an opportunity to present the juvenile's position regarding the detention involved to the court before the court approves such detention;

(iv) the court hears from the juvenile before court approval of such placement; and

(v) detaining such juvenile in accordance with this subparagraph is—

(I) approved in advance by a court with competent jurisdiction that has determined that such placement is in the best interest of such juvenile; and

(II) required to be reviewed periodically and in the presence of the juvenile, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention;

[(15)] (14) provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of [paragraph (12)(A), paragraph (13), and paragraph (14)] paragraphs (11), (12), and (13) are met, and for annual reporting of the results of such monitoring to the Administrator, except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in [paragraph (12)(A) and paragraph (13)] paragraphs (11) and (12), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively;

[(16)] (15) provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, and [mentally, emotionally, or physically handicapping conditions] disability;

[(17)] (16) provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency (which approaches should include the involvement of grandparents or other extended family members when possible and appropriate and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible);

[(18)] (17) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

[(19) provide that fair and equitable arrangements shall be made to protect the interests of employees affected by assistance under this Act and shall provide for the terms and conditions of such protective arrangements established pursuant to this section, and such protective arrangements shall, to the maximum extent feasible, include, without being limited to, such provisions as may be necessary for—

[(A) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective-bargaining agreements or otherwise;

[(B) the continuation of collective-bargaining rights;

[(C) the protection of individual employees against a worsening of their positions with respect to their employment;

[(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this Act; and

[(E) training or retraining programs;]

(18) *provide assurances that—*

(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;

[(20)] (19) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

[(21)] (20) provide reasonable assurances that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;

[(22) provide that the State agency designated under paragraph (1) will from time to time, but not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary;

[(23) address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population;

[(24) contain such other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this title; and]

(21) *provide that the State agency designated under paragraph (1) will—*

(A) *to the extent practicable give priority in funding to programs and activities that are based on rigorous, systematic, and objective research that is scientifically based;*

(B) *from time to time, but not less than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, that it considers necessary; and*

(C) *not expend funds to carry out a program if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted by such recipient to the State agency;*

(22) *address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;*

(23) *provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—*

(A) *an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;*

(B) *not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and*

(C) *not later than 48 hours during which such juvenile is so held—*

(i) *such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and*

(ii) *such court shall conduct a hearing to determine—*

(I) *whether there is reasonable cause to believe that such juvenile violated such order; and*

(II) *the appropriate placement of such juvenile pending disposition of the violation alleged;*

[(25)] (24) *provide an assurance that if the State receives under section 222 for any fiscal year an amount that exceeds 105 percent of the amount the State received under such section for fiscal year [1992] 2000, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services[.];*

(25) *specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the State advisory group under section 222(d)) that the State will reserve for expenditure by the State*

to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units;

(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court;

(27) establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing and implementing treatment plans for juvenile offenders; and

(28) provide assurances that juvenile offenders whose placement is funded through section 472 of the Social Security Act (42 U.S.C. 672) receive the protections specified in section 471 of such Act (42 U.S.C. 671), including a case plan and case plan review as defined in section 475 of such Act (42 U.S.C. 675).

* * * * *

[(c)(1) Subject to paragraph (2), the Administrator shall approve any State plan and any modification thereof that meets the requirements of this section.

[(2) Failure to achieve compliance with the subsection (a)(12)(A) requirement within the 3-year time limitation shall terminate any State's eligibility for funding under this part for a fiscal year beginning before January 1, 1993, unless the Administrator determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 percent of such juveniles or through removal of 100 percent of such juveniles from secure correctional facilities, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding 2 additional years.

[(3) If a State fails to comply with the requirements of subsection (a), (12)(A), (13), (14), or (23) in any fiscal year beginning after January 1, 1993—

[(A) subject to subparagraph (B), the amount allotted under section 222 to the State for that fiscal year shall be reduced by 25 percent for each such paragraph with respect to which noncompliance occurs; and

[(B) the State shall be ineligible to receive any allotment under that section for such fiscal year unless—

[(i) the State agrees to expend all the remaining funds the State receives under this part (excluding funds required to be expended to comply with section 222 (c) and (d) and with section 223(a)(5)(C)) for that fiscal year only to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or

[(ii) the Administrator determines, in the discretion of the Administrator, that the State—

[(I) has achieved substantial compliance with each such paragraph with respect to which the State was not in compliance; and

[(II) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time.]

(c) *If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a) in any fiscal year beginning after September 30, 2001, then—*

(1) *subject to paragraph (2), the amount allocated to such State under section 222 for the subsequent fiscal year shall be reduced by not less than 12.5 percent for each such paragraph with respect to which the failure occurs, and*

(2) *the State shall be ineligible to receive any allocation under such section for such fiscal year unless—*

(A) *the State agrees to expend 50 percent of the amount allocated to the State for such fiscal year to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or*

(B) *the Administrator determines that the State—*

(i) *has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and*

(ii) *has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.*

(d) *In the event that any State chooses not to submit a plan, fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 802, 803, and 804 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, determines does not meet the requirements of this section, the Administrator shall endeavor to make that State's [allotment] allocation under the provisions of section 222(a), excluding funds the Administrator shall make available to satisfy the requirement specified in section 222(d), available to local public and private non-profit agencies within such State for use in carrying out activities of the kinds described in [subsection (a) (12)(A), (13), (14) and (23)] paragraphs (11), (12), (13), and (22) of subsection (a). The Administrator shall make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds, available on an equitable basis to those States that have achieved full compliance with the requirements under [subsection (a) (12)(A), (13), (14) and (23)] paragraphs (11), (12), (13), and (22) of subsection (a).*

(e) *Notwithstanding any other provision of law, the Administrator shall establish appropriate administrative and supervisory board membership requirements for a State agency designated under subsection (a)(1) and permit the State advisory group appointed under subsection (a)(3) to operate as the supervisory board for such agency, at the discretion of the chief executive officer of the State.*

[PART C—NATIONAL PROGRAMS

[Subpart I—National Institute for Juvenile Justice and
Delinquency Prevention

[ESTABLISHMENT OF NATIONAL INSTITUTE FOR JUVENILE JUSTICE
AND DELINQUENCY PREVENTION

[SEC. 241. (a) There is hereby established within the Juvenile Justice and Delinquency Prevention Office a National Institute for Juvenile Justice and Delinquency Prevention.

[(b) The National Institute for Juvenile Justice and Delinquency Prevention shall be under the supervision and direction of the Administrator.

[(c) The activities of the National Institute for Juvenile Justice and Delinquency Prevention shall be coordinated with the activities of the National Institute of Justice in accordance with the requirements of section 201(b).

[(d) It shall be the purpose of the Institute to provide—

[(1) a coordinating center for the collection, preparation, and dissemination of useful data regarding the prevention, treatment, and control of juvenile delinquency; and

[(2) appropriate training (including training designed to strengthen and maintain the family unit) for representatives of Federal, State, local law enforcement officers, teachers and special education personnel recreation and park personnel,, family counselors, child welfare workers, juvenile judges and judicial personnel, probation personnel, prosecutors and defense attorneys, correctional personnel (including volunteer lay personnel), persons associated with law-related education, youth workers, and representatives of private agencies and organizations with specific experience in the prevention, treatment, and control of juvenile delinquency.

[(e) In addition to the other powers, express and implied, the Institute may—

[(1) request any Federal agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions;

[(2) arrange with and reimburse the heads of Federal agencies for the use of personnel or facilities or equipment of such agencies;

[(3) confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

[(4) make grants and enter into contracts with public or private agencies, organizations, or individuals for the partial performance of any functions of the Institute;

[(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter payable under section 5376 of title 5 of the United States Code and while away from home, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government service employed intermittently; and

[(6) assist through training, the advisory groups established pursuant to section 223(a)(3) or comparable public or private citizen groups in nonparticipating States in the accomplishment of their objectives consistent with this title.

[(f)(1) The Administrator, acting through the Institute, shall provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under section 223(a)(3) to assist such organization to carry out the functions specified in paragraph (2).

[(2) To be eligible to receive such assistance, such organization shall agree to carry out activities that include—

[(A) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;

[(B) disseminating information, data, standards, advanced techniques, and program models developed through the Institute and through programs funded under section 261;

[(C) reviewing Federal policies regarding juvenile justice and delinquency prevention;

[(D) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

[(E) advising the President and Congress with regard to State perspectives on the operation of the Office and Federal legislation pertaining to juvenile justice and delinquency prevention.

[(g) Any Federal agency which receives a request from the Institute under subsection (e)(1) may cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute.

[(INFORMATION FUNCTION

[SEC. 242. The Administrator, acting through the National Institute for Juvenile Justice and Delinquency Prevention, shall—

[(1) on a continuing basis, review reports, data, and standards relating to the juvenile justice system in the United States;

[(2) serve as an information bank by collecting systematically and synthesizing the data and knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency; and

[(3) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs (including drug and alcohol programs and gender-specific programs) and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information.

[(RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

[SEC. 243. (a) The Administrator, acting through the National Institute for Juvenile Justice and Delinquency Prevention, is authorized to—

[(1) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods which seek to strengthen and preserve families or which show promise of making a contribution toward the prevention and treatment of juvenile delinquency;

[(2) encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency;

[(3) establish or expand programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

[(i) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

[(ii) assist in the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

[(4) Encourage the development of programs which, in addition to helping youth take responsibility for their behavior, take into consideration life experiences which may have contributed to their delinquency when developing intervention and treatment programs;

[(5) encourage the development and establishment of programs to enhance the States' ability to identify chronic serious and violent juvenile offenders who commit crimes such as rape, murder, firearms offenses, gang-related crimes, violent felonies, and serious drug offenses;

[(5) provide for the evaluation of all juvenile delinquency programs assisted under this title in order to determine the results and the effectiveness of such programs;

[(6) provide for the evaluation of any other Federal, State, or local juvenile delinquency program;

[(7) prepare, in cooperation with educational institutions, with Federal, State, and local agencies, and with appropriate individuals and private agencies, such studies as it considers to be necessary with respect to the prevention and treatment of juvenile delinquency and the improvement of the juvenile justice system, including—

[(A) recommendations designed to promote effective prevention and treatment, particularly by strengthening and maintaining the family unit;

[(B) assessments regarding the role of family violence, sexual abuse or exploitation, media violence, the improper

handling of youth placed in one State by another State, the effectiveness of family-centered treatment programs, special education, remedial education, and recreation, and the extent to which youth in the juvenile system are treated differently on the basis of sex, race, or family income and the ramifications of such treatment;

[(C) examinations of the treatment of juveniles processed in the criminal justice system; and

[(D) recommendations as to effective means for deterring involvement in illegal activities or promoting involvement in lawful activities (including the productive use of discretionary time through organized recreational on the part of gangs whose membership is substantially composed of juveniles;

[(8) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency;

[(9) disseminate pertinent data and studies to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency;

[(10) develop and support model State legislation consistent with the mandates of this title and the standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention before the date of the enactment of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984;

[(11) support research relating to reducing the excessive proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups; and

[(12) support independent and collaborative research, research training, and consultation on social, psychological, educational, economic, and legal issues affecting children and families;

[(13) support research related to achieving a better understanding of the commission of hate crimes by juveniles and designed to identify educational programs best suited to prevent and reduce the incidence of hate crimes committed by juveniles; and

[(14) routinely collect, analyze, compile, publish, and disseminate uniform national statistics concerning—

[(A) all aspects of juveniles as victims and offenders;

[(B) the processing and treatment, in the juvenile justice system, of juveniles who are status offenders, delinquent, neglected, or abused; and

[(C) the processing and treatment of such juveniles who are treated as adults for purposes of the criminal justice system.

[(b) The Administrator shall make available to the public—

[(1) the results of evaluations and research and demonstration activities referred to in subsection (a)(8); and

[(2) the data and studies referred to in subsection (a)(9);

that the Administrator is authorized to disseminate under subsection (a).

【TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS

【SEC. 244. The Administrator, acting through the National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

【(1) provide technical assistance and training assistance to Federal, State, and local governments and to courts, public and private agencies, institutions, and individuals in the planning, establishment, funding, operation, and evaluation of juvenile delinquency programs;

【(2) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are working with or preparing to work with juveniles, juvenile offenders (including juveniles who commit hate crimes), and their families;

【(3) develop, conduct, and provide for seminars, workshops, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges prosecutors and defense attorneys,, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency;

【(4) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies which work directly with juveniles and juvenile offenders; and

【(5) provide technical assistance and training to assist States and units of local government to adopt the model standards issued under section 204(b)(7).

【ESTABLISHMENT OF TRAINING PROGRAM

【SEC. 245. (a) The Administrator shall establish within the Institute a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency, including methods and techniques specifically designed to prevent and reduce the incidence of hate crimes committed by juveniles. In carrying out this program the Administrator is authorized to make use of available State and local services, equipment, personnel, facilities, and the like.

【(b) Enrollees in the training program established under this section shall be drawn from law enforcement and correctional personnel (including volunteer lay personnel), teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, persons associated with law-related education, youth workers, and representatives of private agencies and organizations with specific experience in the prevention and treatment of juvenile delinquency.

【CURRICULUM FOR TRAINING PROGRAM

【SEC. 246. The Administrator shall design and supervise a curriculum for the training program established by section 245 which shall utilize an interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice

system. Such curriculum shall be appropriate to the needs of the enrollees of the training program and shall include training designed to prevent juveniles from committing hate crimes.

【PARTICIPATION IN TRAINING PROGRAM AND STATE ADVISORY GROUP CONFERENCES

【SEC. 247. (a) Any person seeking to enroll in the training program established under section 245 shall transmit an application to the Administrator, in such form and according to such procedures as the Administrator may prescribe.

【(b) The Administrator shall make the final determination with respect to the admittance of any person to the training program. The Administrator, in making such determination, shall seek to assure that persons admitted to the training program are broadly representative of the categories described in section 245(b).

【(c) While participating as a trainee in the program established under section 245 or while participating in any conference held under section 241(f), and while traveling in connection with such participation, each person so participating shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed travel expenses under section 5703 of title 5, United States Code. No consultation fee may be paid to such person for such participation.

【SPECIAL STUDIES AND REPORTS

【SEC. 248. (a) PURSUANT TO 1988 AMENDMENTS.—(1) Not later than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall begin to conduct a study with respect to the juvenile justice system—

【(A) to review—

【(i) conditions in detention and correctional facilities for juveniles; and

【(ii) the extent to which such facilities meet recognized national professional standards; and

【(B) to make recommendations to improve conditions in such facilities.

【(2)(A) Not later than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall begin to conduct a study to determine—

【(i) how juveniles who are American Indians and Alaskan Natives and who are accused of committing offenses on and near Indian reservations and Alaskan Native villages, respectively, are treated under the systems of justice administered by Indian tribes and Alaskan Native organizations, respectively, that perform law enforcement functions;

【(ii) the amount of financial resources (including financial assistance provided by governmental entities) available to Indian tribes and Alaskan Native organizations that perform law enforcement functions, to support community-based alternatives to incarcerating juveniles; and

[(iii) the extent to which such tribes and organizations comply with the requirements specified in paragraphs (12)(A), (13), and (14) of section 223(a), applicable to the detention and confinement of juveniles.

[(2)(A) For purposes of section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)), any contract, subcontract, grant, or subgrant made under paragraph (1) shall be deemed to be a contract, subcontract, grant, or subgrant made for the benefit of Indians.

[(ii) for purposes of section 7(b) of such Act and subparagraph (A) of this paragraph, references to Indians and Indian organizations shall be deemed to include Alaskan Natives and Alaskan Native organizations, respectively.

[(3) Not later than 3 years after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall submit a report to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate containing a description, and a summary of the results, of the study conducted under paragraph (1) or (2), as the case may be.

[(b) PURSUANT TO 1992 AMENDMENTS.—(1) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

[(A) conduct a study with respect to juveniles waived to adult court that reviews—

[(i) the frequency and extent to which juveniles have been transferred, certified, or waived to criminal court for prosecution during the 5-year period ending December 1992;

[(ii) conditions of confinement in adult detention and correctional facilities for juveniles waived to adult court; and

[(iii) sentencing patterns, comparing juveniles waived to adult court with juveniles who have committed similar offenses but have not been waived; and

[(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report (including a compilation of State waiver statutes) on the findings made in the study and recommendations to improve conditions for juveniles waived to adult court.

[(2) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

[(A) conduct a study with respect to admissions of juveniles for behavior disorders to private psychiatric hospitals, and to other residential and nonresidential programs that serve juveniles admitted for behavior disorders, that reviews—

[(i) the frequency with which juveniles have been admitted to such hospitals and programs during the 5-year period ending December 1992; and

[(ii) conditions of confinement, the average length of stay, and methods of payment for the residential care of such juveniles; and

[(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary

of the Senate a report on the findings made in the study and recommendations to improve procedural protections and conditions for juveniles with behavior disorders admitted to such hospitals and programs.

[(3) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

[(A) conduct a study of gender bias within State juvenile justice systems that reviews—

[(i) the frequency with which females have been detained for status offenses (such as frequently running away, truancy, and sexual activity), as compared with the frequency with which males have been detained for such offenses during the 5-year period ending December 1992; and

[(ii) the appropriateness of the placement and conditions of confinement for females; and

[(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to combat gender bias in juvenile justice and provide appropriate services for females who enter the juvenile justice system.

[(4) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

[(A) conduct a study of the Native American pass-through grant program authorized under section 223(a)(5)(C) that reviews the cost-effectiveness of the funding formula utilized; and

[(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve the Native American pass-through grant program.

[(5) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

[(A) conduct a study of access to counsel in juvenile court proceedings that reviews—

[(i) the frequency with which and the extent to which juveniles in juvenile court proceedings either have waived counsel or have obtained access to counsel during the 5-year period ending December 1992; and

[(ii) a comparison of access to and the quality of counsel afforded juveniles charged in adult court proceedings with those of juveniles charged in juvenile court proceedings; and

[(B) submit to Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve access to counsel for juveniles in juvenile court proceedings.

[(6)(A) Not later than 180 days after the date of enactment of this subsection, the Administrator shall begin to conduct a study and continue any pending study of the incidence of violence committed by or against juveniles in urban and rural areas in the United States.

[(B) The urban areas shall include—

- [(i) the District of Columbia;
- [(ii) Los Angeles, California;
- [(iii) Milwaukee, Wisconsin;
- [(iv) Denver, Colorado;
- [(v) Pittsburgh, Pennsylvania;
- [(vi) Rochester, New York; and
- [(vii) such other cities as the Administrator determines to be appropriate.

[(C) At least one rural area shall be included.

[(D) With respect to each urban and rural area included in the study, the objectives of the study shall be—

- [(i) to identify characteristics and patterns of behavior of juveniles who are at risk of becoming violent or victims of homicide;
- [(ii) to identify factors particularly indigenous to such area that contribute to violence committed by or against juveniles;
- [(iii) to determine the accessibility of firearms, and the use of firearms by or against juveniles;
- [(iv) to determine the conditions that cause any increase in violence committed by or against juveniles;
- [(v) to identify existing and new diversion, prevention, and control programs to ameliorate such conditions;
- [(vi) to improve current systems to prevent and control violence by or against juveniles; and
- [(vii) to develop a plan to assist State and local governments to establish viable ways to reduce homicide committed by or against juveniles.

[(E) Not later than 3 years after the date of enactment of this subsection, the Administrator shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate detailing the results of the study addressing each objective specified in subparagraph (D).

[(7)(A) Not later than 1 year after the date of the enactment of this subsection, the Administrator shall—

- [(i) conduct a study described in subparagraph (B); and
- [(ii) submit to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate the results of the study.

[(B) The study required by subparagraph (A) shall assess—

- [(i) the characteristics of juveniles who commit hate crimes, including a profile of such juveniles based on—
 - [(I) the motives for committing hate crimes;
 - [(II) the age, sex, race, ethnicity, education level, locality, and family income of such juveniles; and
 - [(III) whether such juveniles are familiar with publications or organized groups that encourage the commission of hate crimes;
- [(ii) the characteristics of hate crimes committed by juveniles, including—
 - [(I) the types of hate crimes committed;

- [(II) the frequency with which institutions and natural persons, separately determined, were the targets of such crimes;
- [(III) the number of persons who participated with juveniles in committing such crimes;
- [(IV) the types of law enforcement investigations conducted with respect to such crimes;
- [(V) the law enforcement proceedings commenced against juveniles for committing hate crimes; and
- [(VI) the penalties imposed on such juveniles as a result of such proceedings; and
- [(iii) the characteristics of the victims of hate crimes committed by juveniles, including—
 - [(I) the age, sex, race, ethnicity, locality of the victims and their familiarity with the offender; and
 - [(II) the motivation behind the attack.

[Subpart II—Special Emphasis Prevention and Treatment Programs

[AUTHORITY TO MAKE GRANTS AND CONTRACTS

[SEC. 261. (a) Except as provided in subsection (f), the Administrator shall, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals provide for each of the following during each fiscal year:

- [(1) Establishing or maintaining community-based alternatives (including home-based treatment programs) to traditional forms of institutionalization of juvenile offenders.
- [(2) Establishing or implementing effective means of diverting juveniles from the traditional juvenile justice and correctional system, including restitution and reconciliation projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents.
- [(3) Establishing or supporting advocacy programs and services that encourage the improvement of due process available to juveniles in the juvenile justice system and the quality of legal representation for such juveniles.
- [(4) Establishing or supporting programs stressing advocacy activities aimed at improving services to juveniles affected by the juvenile justice system, including services that provide for the appointment of special advocates by courts for such juveniles.
- [(5) Developing or supporting model programs to strengthen and maintain the family unit in order to prevent or treat juvenile delinquency.
- [(6) Establishing or implementing special emphasis prevention and treatment programs relating to juveniles who commit serious crimes (including such crimes committed in schools), including programs designed to deter involvement in illegal activities or to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of juveniles.

[(7) Developing or implementing further a coordinated, national law-related education program of—

[(A) delinquency prevention in elementary and secondary schools, and other local sites;

[(B) training for persons responsible for the implementation of law-related education programs; and

[(C) disseminating information regarding model, innovative, law-related education programs to juvenile delinquency programs, including those that are community based, and to law enforcement and criminal justice agencies for activities related to juveniles,

that targets juveniles who have had contact with the juvenile justice system or who are likely to have contact with the system.

[(8) Addressing efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population.

[(9) Establishing or supporting programs designed to prevent and to reduce the incidence of hate crimes by juveniles, including—

[(A) model educational programs that are designed to reduce the incidence of hate crimes by means such as—

[(i) addressing the specific prejudicial attitude of each offender;

[(ii) developing an awareness in the offender of the effect of the hate crime on the victim; and

[(iii) educating the offender about the importance of tolerance in our society; and

[(B) sentencing programs that are designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration.

[(b) Except as provided in subsection (f), the Administrator is authorized, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals, to develop and implement new approaches, techniques, and methods designed to—

[(1) improve the capability of public and private agencies and organizations to provide services for delinquents and other juveniles to help prevent juvenile delinquency;

[(2) develop and implement, in coordination with the Secretary of Education, model programs and methods to keep students in elementary and secondary schools, to assist in identifying learning difficulties (including learning disabilities), to prevent unwarranted and arbitrary suspensions and expulsions, and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

[(3) develop, implement, and support, in conjunction with the Secretary of Labor, other public and private agencies, organizations, business, and industry, programs for the employment of juveniles;

[(4) develop and support programs designed to encourage and assist State legislatures to consider and establish policies consistent with this title, both by amending State laws, if nec-

essary, and devoting greater resources to effectuate such policies;

[(5) develop and implement programs relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other handicapped juveniles;

[(6) develop statewide programs through the use of subsidies or other financial incentives designed to—

[(A) remove juveniles from jails and lockups for adults;

[(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

[(C) establish and adopt, based upon the recommendations of the National Advisory Committee for Juvenile Justice and Delinquency Prevention made before the date of the enactment of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984, standards for the improvement of juvenile justice within each State involved; and

[(7) develop and implement programs, relating to the special education needs of delinquent and other juveniles, which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies.

[(c) Not less than 30 percent of the funds available for grants and contracts under this section shall be available for grants to and contracts with private nonprofit agencies, organizations, and institutions which have experience in dealing with juveniles.

[(d) Assistance provided under this section shall be available on an equitable basis to deal with female, minority, and disadvantaged juveniles, including juveniles who are mentally, emotionally, or physically handicapped.

[(e) Not less than 5 percent of the funds available for grants and contracts under this section shall be available for grants and contracts designed to address the special needs and problems of juvenile delinquency in the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

[(f) The Administrator shall not make a grant or a contract under subsection (a) or (b) to the Department of Justice or to any administrative unit or other entity that is part of the Department of Justice.

[(CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

[SEC. 262. (a) Any agency, institution, or individual desiring to receive a grant, or enter into a contract, under this part shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator may prescribe.

[(b) In accordance with guidelines established by the Administrator, each application for assistance under this part shall—

[(1) set forth a program for carrying out one or more of the purposes set forth in this part and specifically identify each such purpose such program is designed to carry out;

[(2) provide that such program shall be administered by or under the supervision of the applicant;

[(3) provide for the proper and efficient administration of such program;

[(4) provide for regular evaluation of such program;

[(5) certify that the applicant has requested the State planning agency and local agency designated in section 223, if any to review and comment on such application and indicate the responses of such State planning agency and local agency to such request;

[(6) attach a copy of the responses of such State planning agency and local agency to such request;

[(7) provide that regular reports on such program shall be sent to the Administrator and to such State planning agency and local agency; and

[(8) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this title.

[(c) In determining whether or not to approve applications for grants and for contracts under this part, the Administrator shall consider—

[(1) the relative cost and effectiveness of the proposed program in carrying out this part;

[(2) the extent to which such program will incorporate new or innovative techniques;

[(3) if a State plan has been approved by the Administrator under section 223(c), the extent to which such program meets the objectives and priorities of the State plan, taking into consideration the location and scope of such program;

[(4) the increase in capacity of the public and private agency, institution, or individual involved to provide services to address juvenile delinquency and juvenile delinquency prevention;

[(5) the extent to which such program serves communities which have high rates of juvenile unemployment, school dropout, and delinquency; and

[(6) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population greater than 40,000 located within States which have no city with a population over 250,000.

[(d)(1)(A) Programs selected for assistance through grants or contracts under this part (other than section 241(f)) shall be selected through a competitive process to be established by rule by the Administrator. As part of such a process, the Administrator shall announce in the Federal Register—

[(i) the availability of funds for such assistance;

[(ii) the general criteria applicable to the selection of applicants to receive such assistance; and

[(iii) a description of the procedures applicable to submitting and reviewing applications for such assistance.

[(B) The competitive process described in subparagraph (A) shall not be required if the Administrator makes a written determination waiving the competitive process—

[(i) with respect to programs to be carried out in areas with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42

U.S.C. 5121 et seq.) that a major disaster or emergency exists;
or

[(ii) with respect to a particular program described in part C that is uniquely qualified.

[(2)(A) Programs selected for assistance through grants or contracts under this part (other than section 241(f)) shall be reviewed before selection, and thereafter as appropriate, through a formal peer review process utilizing experts (other than officers and employees of the Department of Justice) in fields related to the subject matter of the proposed program.

[(B) Such process shall be established by the Administrator in consultation with the Directors and other appropriate officials of the National Science Foundation and the National Institute of Mental Health. Before implementation of such process, the Administrator shall submit such process to such Directors, each of whom shall prepare and furnish to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate a final report containing their comments on such process as proposed to be established.

[(3) The Administrator, in establishing the process required under paragraphs (1) and (2), shall provide for emergency expedited consideration of the proposed programs if necessary to avoid any delay which would preclude carrying out such programs.

[(e) A city shall not be denied assistance under this part solely on the basis of its population.

[(f) Notification of grants and contracts made under this part (and the applications submitted for such grants and contracts) shall, upon being made, be transmitted by the Administrator, to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate.

[PART D—GANG-FREE SCHOOLS AND COMMUNITIES; COMMUNITY-BASED GANG INTERVENTION

[Subpart I—Gang-Free Schools and Communities

[AUTHORITY TO MAKE GRANTS AND CONTRACTS

[SEC. 281. (a) The Administrator shall make grants to or enter into contracts with public agencies (including local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes:

[(1) To prevent and to reduce the participation of juveniles in the activities of gangs that commit crimes. Such programs and activities may include—

[(A) individual, peer, family, and group counseling, including the provision of life skills training and preparation for living independently, which shall include cooperation with social services, welfare, and health care programs;

[(B) education and social services designed to address the social and developmental needs of juveniles which such

juveniles would otherwise seek to have met through membership in gangs;

[(C) crisis intervention and counseling to juveniles, who are particularly at risk of gang involvement, and their families, including assistance from social service, welfare, health care, mental health, and substance abuse prevention and treatment agencies where necessary;

[(D) the organization of neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and

[(E) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs, to assist such adults in providing constructive alternatives to participating in the activities of gangs.

[(2) To develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

[(3) To target elementary school students, with the purpose of steering students away from gang involvement.

[(4) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

[(5) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

[(6) To promote and support, with the cooperation of community-based organizations experienced in providing services to juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities in public elementary and secondary schools which will assist such schools in maintaining a safe environment conducive to learning.

[(7) To assist juveniles who are or may become members of gangs to obtain appropriate educational instruction, in or outside a regular school program, including the provision of counseling and other services to promote and support the continued participation of such juveniles in such instructional programs.

[(8) To expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies.

[(9) To provide services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity.

[(10) To provide services authorized in this section at a special location in a school or housing project.

[(11) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

[(b) From not more than 15 percent of the amount appropriated to carry out this part in each fiscal year, the Administrator may make grants to and enter into contracts with public agencies and private nonprofit agencies, organizations, and institutions—

[(1) to conduct research on issues related to juvenile gangs;

[(2) to evaluate the effectiveness of programs and activities funded under subsection (a); and

[(3) to increase the knowledge of the public (including public and private agencies that operate or desire to operate gang prevention and intervention programs) by disseminating information on research and on effective programs and activities funded under this subpart.

[APPROVAL OF APPLICATIONS

[SEC. 281A. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

[(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

[(1) set forth a program or activity for carrying out one or more of the purposes specified in section 281 and specifically identify each such purpose such program or activity is designed to carry out;

[(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

[(3) provide for the proper and efficient administration of such program or activity;

[(4) provide for regular evaluation of such program or activity;

[(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

[(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

[(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

[(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

[(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

[(c) In reviewing applications for grants and contracts under section 281(a), the Administrator shall give priority to applications—

[(1) submitted by, or substantially involving, local educational agencies (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

[(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

[(3) for assistance for programs and activities that—

[(A) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

[(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

[Subpart II—Community-Based Gang Intervention

[SEC. 282. (a) The Administrator shall make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities—

[(1) to reduce the participation of juveniles in the illegal activities of gangs;

[(2) to develop regional task forces involving State, local, and community-based organizations to coordinate enforcement, intervention, and treatment efforts for juvenile gang members and to curtail interstate activities of gangs; and

[(3) to facilitate coordination and cooperation among—

[(A) local education, juvenile justice, employment, and social service agencies; and

[(B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities; and

[(4) to support programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

[(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

[(B) assist in the provision by the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior.

[(b) Programs and activities for which grants and contracts are to be made under subsection (a) may include—

[(1) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses;

[(2) providing treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

[(3) promoting the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

[(4) expanding the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies;

[(5) providing services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity; or

[(6) supporting activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

[APPROVAL OF APPLICATIONS]

[SEC. 282A. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

[(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

[(1) set forth a program or activity for carrying out one or more of the purposes specified in section 282 and specifically identify each such purpose such program or activity is designed to carry out;

[(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

[(3) provide for the proper and efficient administration of such program or activity;

[(4) provide for regular evaluation of such program or activity;

[(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

[(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

[(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

[(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

[(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

[(c) In reviewing applications for grants and contracts under section 285(a), the Administrator shall give priority to applications—

[(1) submitted by, or substantially involving, community-based organizations experienced in providing services to juveniles;

[(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

[(3) for assistance for programs and activities that—

[(A) are broadly supported by public and private non-profit agencies, organizations, and institutions located in such geographical area; and

[(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

Subpart III—General Provisions

DEFINITION

[SEC. 283. For purposes of this part, the term “juvenile” means an individual who is less than 22 years of age.

PART E—STATE CHALLENGE ACTIVITIES

ESTABLISHMENT OF PROGRAM

[SEC. 285. (a) IN GENERAL.—The Administrator may make a grant to a State that receives an allocation under section 222, in the amount of 10 percent of the amount of the allocation, for each challenge activity in which the State participates for the purpose of funding the activity.

[(b) DEFINITIONS.—For purposes of this part—

[(1) the term “case review system” means a procedure for ensuring that—

[(A) each youth has a case plan, based on the use of objective criteria for determining a youth’s danger to the community or himself or herself, that is designed to achieve appropriate placement in the least restrictive and most family-like setting available in close proximity to the parents’ home, consistent with the best interests and special needs of the youth;

[(B) the status of each youth is reviewed periodically but not less frequently than once every 3 months, by a court or by administrative review, in order to determine the continuing necessity for and appropriateness of the placement;

[(C) with respect to each youth, procedural safeguards will be applied to ensure that a dispositional hearing is held to consider the future status of each youth under State supervision, in a juvenile or family court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, not later than 12 months after the original placement of the youth and periodically thereafter during the continuation of out-of-home placement; and

[(D) a youth's health, mental health, and education record is reviewed and updated periodically; and
 [(2) the term "challenge activity" means a program maintained for 1 of the following purposes:

[(A) Developing and adopting policies and programs to provide basic health, mental health, and appropriate education services, including special education, for youth in the juvenile justice system as specified in standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention prior to October 12, 1984.

[(B) Developing and adopting policies and programs to provide access to counsel for all juveniles in the justice system to ensure that juveniles consult with counsel before waiving the right to counsel.

[(C) Increasing community-based alternatives to incarceration by establishing programs (such as expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, and electronic monitoring) and developing and adopting a set of objective criteria for the appropriate placement of juveniles in detention and secure confinement.

[(D) Developing and adopting policies and programs to provide secure settings for the placement of violent juvenile offenders by closing down traditional training schools and replacing them with secure settings with capacities of no more than 50 violent juvenile offenders with ratios of staff to youth great enough to ensure adequate supervision and treatment.

[(E) Developing and adopting policies to prohibit gender bias in placement and treatment and establishing programs to ensure that female youth have access to the full range of health and mental health services, treatment for physical or sexual assault and abuse, self defense instruction, education in parenting, education in general, and other training and vocational services.

[(F) Establishing and operating, either directly or by contract or arrangement with a public agency or other appropriate private nonprofit organization (other than an agency or organization that is responsible for licensing or certifying out-of-home care services for youth), a State ombudsman office for children, youth, and families to investigate and resolve complaints relating to action, inaction, or decisions of providers of out-of-home care to children and youth (including secure detention and correctional facilities, residential care facilities, public agencies, and social service agencies) that may adversely affect the health, safety, welfare, or rights of resident children and youth.

[(G) Developing and adopting policies and programs designed to remove, where appropriate, status offenders from the jurisdiction of the juvenile court to prevent the placement in secure detention facilities or secure correctional facilities of juveniles who are nonoffenders or who are charged with or who have committed offenses that would not be criminal if committed by an adult.

[(H) Developing and adopting policies and programs designed to serve as alternatives to suspension and expulsion from school.

[(I) Increasing aftercare services for juveniles involved in the justice system by establishing programs and developing and adopting policies to provide comprehensive health, mental health, education, and vocational services and services that preserve and strengthen the families of such juveniles.

[(J) Developing and adopting policies to establish—

[(i) a State administrative structure to coordinate program and fiscal policies for children who have emotional and behavioral problems and their families among the major child serving systems, including schools, social services, health services, mental health services, and the juvenile justice system; and

[(ii) a statewide case review system.

[PART F—TREATMENT FOR JUVENILE OFFENDERS WHO ARE VICTIMS OF CHILD ABUSE OR NEGLECT

[DEFINITION

[SEC. 287. For the purposes of this part, the term “juvenile” means a person who is less than 18 years of age.

[AUTHORITY TO MAKE GRANTS

[SEC. 287A. The Administrator, in consultation with the Secretary of Health and Human Services, shall make grants to public and nonprofit private organizations to develop, establish, and support projects that—

[(1) provide treatment to juvenile offenders who are victims of child abuse or neglect and to their families so as to reduce the likelihood that the juvenile offenders will commit subsequent violations of law;

[(2) based on the best interests of juvenile offenders who receive treatment for child abuse or neglect, provide transitional services (including individual, group, and family counseling) to juvenile offenders—

[(A) to strengthen the relationships of juvenile offenders with their families and encourage the resolution of intrafamily problems related to the abuse or neglect;

[(B) to facilitate their alternative placement; and

[(C) to prepare juveniles aged 16 years and older to live independently; and

[(3) carry out research (including surveys of existing transitional services, identification of exemplary treatment modalities, and evaluation of treatment and transitional services) provided with grants made under this section.

[ADMINISTRATIVE REQUIREMENTS

[SEC. 287B. The Administrator shall administer this part subject to the requirements of sections 262, 299B, and 299E.

【PRIORITY

【SEC. 287C. In making grants under section 287A, the Administrator—

【(1) shall give priority to applicants that have experience in treating juveniles who are victims of child abuse or neglect; and

【(2) may not disapprove an application solely because the applicant proposes to provide treatment or transitional services to juveniles who are adjudicated to be delinquent for having committed offenses that are not serious crimes.

【PART G—MENTORING

【PURPOSES

【SEC. 288. The purposes of this part are—

【(1) to reduce juvenile delinquency and gang participation;

【(2) to improve academic performance; and

【(3) to reduce the dropout rate,
through the use of mentors for at-risk youth.

【DEFINITIONS

【SEC. 288A. For purposes of this part—

【(1) the term “at-risk youth” means a youth at risk of educational failure or dropping out of school or involvement in delinquent activities; and

【(2) the term “mentor” means a person who works with an at-risk youth on a one-to-one basis, establishing a supportive relationship with the youth and providing the youth with academic assistance and exposure to new experiences that enhance the youth’s ability to become a responsible citizen.

【GRANTS

【SEC. 288B. The Administrator shall, by making grants to and entering into contracts with local educational agencies (each of which agency shall be in partnership with a public or private agency, institution, or business), establish and support programs and activities for the purpose of implementing mentoring programs that—

【(1) are designed to link at-risk children, particularly children living in high crime areas and children experiencing educational failure, with responsible adults such as law enforcement officers, persons working with local businesses, and adults working for community-based organizations and agencies; and

【(2) are intended to achieve 1 or more of the following goals:

【(A) Provide general guidance to at-risk youth.

【(B) Promote personal and social responsibility among at-risk youth.

【(C) Increase at-risk youth’s participation in and enhance their ability to benefit from elementary and secondary education.

【(D) Discourage at-risk youth’s use of illegal drugs, violence, and dangerous weapons, and other criminal activity.

【(E) Discourage involvement of at-risk youth in gangs.

[(F) Encourage at-risk youth's participation in community service and community activities.

[REGULATIONS AND GUIDELINES

[SEC. 288C. (a) PROGRAM GUIDELINES.—The Administrator shall issue program guidelines to implement this part. The program guidelines shall be effective only after a period for public notice and comment.

[(b) MODEL SCREENING GUIDELINES.—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

[USE OF GRANTS

[SEC. 288D. (a) PERMITTED USES.—Grants awarded pursuant to this part shall be used to implement mentoring programs, including—

- [(1) hiring of mentoring coordinators and support staff;
- [(2) recruitment, screening, and training of adult mentors;
- [(3) reimbursement of mentors for reasonable incidental expenditures such as transportation that are directly associated with mentoring; and
- [(4) such other purposes as the Administrator may reasonably prescribe by regulation.

[(b) PROHIBITED USES.—Grants awarded pursuant to this part shall not be used—

- [(1) to directly compensate mentors, except as provided pursuant to subsection (a)(3);
- [(2) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the grantee's operations;
- [(3) to support litigation of any kind; or
- [(4) for any other purpose reasonably prohibited by the Administrator by regulation.

[PRIORITY

[SEC. 288E. (a) IN GENERAL.—In making grants under this part, the Administrator shall give priority for awarding grants to applicants that—

- [(1) serve at-risk youth in high crime areas;
- [(2) have 60 percent or more of their youth eligible to receive funds under the Elementary and Secondary Education Act of 1965; and
- [(3) have a considerable number of youth who drop out of school each year.

[(b) OTHER CONSIDERATIONS.—In making grants under this part, the Administrator shall give consideration to—

- [(1) the geographic distribution (urban and rural) of applications;
- [(2) the quality of a mentoring plan, including—
 - [(A) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or postsecondary education; and
 - [(B) the degree to which parents, teachers, community-based organizations, and the local community participate

in the design and implementation of the mentoring plan;
and
[(3) the capability of the applicant to effectively implement the mentoring plan.

[(APPLICATIONS]

[SEC. 288F. An application for assistance under this part shall include—

[(1) information on the youth expected to be served by the program;

[(2) a provision for a mechanism for matching youth with mentors based on the needs of the youth;

[(3) an assurance that no mentor will be assigned to more than one youth, so as to ensure a one-to-one relationship;

[(4) an assurance that projects operated in secondary schools will provide youth with a variety of experiences and support, including—

[(A) an opportunity to spend time in a work environment and, when possible, participate in the work environment;

[(B) an opportunity to witness the job skills that will be required for youth to obtain employment upon graduation;

[(C) assistance with homework assignments; and

[(D) exposure to experiences that youth might not otherwise encounter;

[(5) an assurance that projects operated in elementary schools will provide youth with—

[(A) academic assistance;

[(B) exposure to new experiences and activities that youth might not encounter on their own; and

[(C) emotional support;

[(6) an assurance that projects will be monitored to ensure that each youth benefits from a mentor relationship, with provision for a new mentor assignment if the relationship is not beneficial to the youth;

[(7) the method by which mentors and youth will be recruited to the project;

[(8) the method by which prospective mentors will be screened; and

[(9) the training that will be provided to mentors.

[(GRANT CYCLES]

[SEC. 288G. Grants under this part shall be made for 3-year periods.

[(REPORTS]

[SEC. 288H. Not later than 120 days after the completion of the first cycle of grants under this part, the Administrator shall submit to Congress a report regarding the success and effectiveness of the grant program in reducing juvenile delinquency and gang participation, improving academic performance, and reducing the dropout rate.

【PART H—BOOT CAMPS

【ESTABLISHMENT OF PROGRAM

【SEC. 289. (a) IN GENERAL.—The Administrator may make grants to the appropriate agencies of 1 or more States for the purpose of establishing up to 10 military-style boot camps for juvenile delinquents (referred to as “boot camps”).

【(b) LOCATION.—(1) The boot camps shall be located on existing or closed military installations on sites to be chosen by the agencies in one or more States, or in other facilities designated by the agencies on such sites, after consultation with the Secretary of Defense, if appropriate, and the Administrator.

【(2) The Administrator shall—

【(A) try to achieve to the extent possible equitable geographic distribution in approving boot camp sites; and

【(B) give priority to grants where more than one State enters into formal cooperative arrangements to jointly administer a boot camp; and

【(c) REGIMEN.—The boot camps shall provide—

【(1) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training;

【(2) regular, remedial, special, and vocational education; and

【(3) counseling and treatment for substance abuse and other health and mental health problems.

【CAPACITY

【SEC. 289A. Each boot camp shall be designed to accommodate between 150 and 250 juveniles for such time as the grant recipient agency deems to be appropriate.

【ELIGIBILITY AND PLACEMENT

【SEC. 289B. (a) ELIGIBILITY.—A person shall be eligible for assignment to a boot camp if he or she—

【(1) is considered to be a juvenile under the laws of the State of jurisdiction; and

【(2) has been adjudicated to be delinquent in the State of jurisdiction or, upon approval of the court, voluntarily agrees to the boot camp assignment without a delinquency adjudication.

【(b) PLACEMENT.—Prior to being placed in a boot camp, an assessment of a juvenile shall be performed to determine that—

【(1) the boot camp is the least restrictive environment that is appropriate for the juvenile considering the seriousness of the juvenile’s delinquent behavior and the juvenile’s treatment need; and

【(2) the juvenile is physically and emotionally capable of participating in the boot camp regimen.

【POST-RELEASE SUPERVISION

【SEC. 289C. A State that seeks to establish a boot camp, or participate in the joint administration of a boot camp, shall submit to the Administrator a plan describing—

【(1) the provisions that the State will make for the continued supervision of juveniles following release; and

[(2) provisions for educational and vocational training, drug or other counseling and treatment, and other support services.

[PART I—WHITE HOUSE CONFERENCE ON JUVENILE JUSTICE]

[SEC. 291. (a) IN GENERAL.—The President may call and conduct a National White House Conference on Juvenile Justice (referred to as the “Conference”) in accordance with this part.

[(b) PURPOSES OF CONFERENCE.—The purposes of the Conference shall be—

[(1) to increase public awareness of the problems of juvenile offenders and the juvenile justice system;

[(2) to examine the status of minors currently in the juvenile and adult justice systems;

[(3) to examine the increasing number of violent crimes committed by juveniles;

[(4) to examine the growing phenomena of youth gangs, including the number of young women who are involved;

[(5) to assemble persons involved in policies and programs related to juvenile delinquency prevention and juvenile justice enforcement;

[(6) to examine the need for improving services for girls in the juvenile justice system;

[(7) to create a forum in which persons and organizations from diverse regions may share information regarding successes and failures of policy in their juvenile justice and juvenile delinquency prevention programs; and

[(8) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate to address the problems of juvenile delinquency and juvenile justice.

[(c) SCHEDULE OF CONFERENCES.—The Conference under this part shall be concluded not later than 18 months after the date of enactment of this part.

[(d) PRIOR STATE AND REGIONAL CONFERENCES.—

[(1) **IN GENERAL.—**Participants in the Conference and other interested persons and organizations may conduct conferences and other activities at the State and regional levels prior to the date of the Conference, subject to the approval of the executive director of the Conference.

[(2) **PURPOSE OF STATE AND REGIONAL CONFERENCES.—**State and regional conferences and activities shall be directed toward the consideration of the purposes of this part. State conferences shall elect delegates to the National Conferences.

[(3) **ADMITTANCE.—**No person involved in administering State juvenile justice programs or in providing services to or advocacy of juvenile offenders may be denied admission to a State or regional conference.

[CONFERENCE PARTICIPANTS]

[SEC. 291A. (a) IN GENERAL.—The Conference shall bring together persons concerned with issues and programs, both public and private, relating to juvenile justice, and juvenile delinquency prevention.

[(b) SELECTION.—

[(1) STATE CONFERENCES.—Delegates, including alternates, to the National Conference shall be elected by participants at the State conferences.

[(2) DELEGATES.—(A) In addition to delegates elected pursuant to paragraph (1)—

[(i) each Governor may appoint 1 delegate and 1 alternate;

[(ii) the majority leader of the Senate, in consultation with the minority leader, may appoint 10 delegates and 3 alternates;

[(iii) the Speaker of the House of Representatives, in consultation with the minority leader, may appoint 10 delegates and 3 alternates;

[(iv) the President may appoint 20 delegates and 5 alternates;

[(v) the chief law enforcement official and the chief juvenile corrections official of each State may appoint 1 delegate and 1 alternate each; and

[(vi) the Chairperson of the Juvenile Justice and Delinquency Prevention Advisory Committee of each State, or his or her designate, may appoint 1 delegate.

[(B) Only persons involved in administering State juvenile justice programs or in providing services to or advocacy of juvenile offenders shall be eligible for appointment as a delegate.

[(c) PARTICIPANT EXPENSES.—Each participant in the Conference shall be responsible for his or her expenses related to attending the Conference and shall not be reimbursed from funds appropriated pursuant to this Act.

[(d) NO FEES.—No fee may be imposed on a person who attends a Conference except a registration fee of not to exceed \$10.

[STAFF AND EXECUTIVE BRANCH

[SEC. 291B. (a) IN GENERAL.—The President may appoint and compensate an executive director of the National White House Conference on Juvenile Justice and such other directors and personnel for the Conference as the President may deem to be advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates. The staff of the Conference may not exceed 20, including the executive director.

[(b) DETAILEES.—Upon request by the executive director, the heads of the executive and military departments may detail employees to work with the executive director in planning and administering the Conference without regard to section 3341 of title 5, United States Code.

[PLANNING AND ADMINISTRATION OF CONFERENCE

[SEC. 291C. (a) FEDERAL AGENCY SUPPORT.—All Federal departments, agencies, and instrumentalities shall provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

[(b) DUTIES OF THE EXECUTIVE DIRECTOR.—In carrying out this part, the executive director of the White House Conference on Juvenile Justice—

[(1) shall provide such assistance as may be necessary for the organization and conduct of conferences at the State and regional levels authorized by section 291(d);

[(2) may enter into contracts and agreements with public and private agencies and organizations and academic institutions to assist in carrying out this part; and

[(3) shall prepare and provide background materials for use by participants in the Conference and by participants in State and regional conferences.

[REPORTS

[SEC. 291D. (a) IN GENERAL.—Not later than 6 months after the date on which a National Conference is convened, a final report of the Conference shall be submitted to the President and the Congress.

[(b) CONTENTS.—A report described in subsection (a)—

[(1) shall include the findings and recommendations of the Conference and proposals for any legislative action necessary to implement the recommendations of the Conference; and

[(2) shall be made available to the public.

[OVERSIGHT

[SEC. 291E. The Administrator shall report to the Congress annually during the 3-year period following the submission of the final report of a Conference on the status and implementation of the findings and recommendations of the Conference.]

PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

SEC. 241. AUTHORITY TO MAKE GRANTS.

(a) *GRANTS TO ELIGIBLE STATES.*—The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

(1) *projects that provide treatment (including treatment for mental health problems) to juvenile offenders, and juveniles who are at risk of becoming juvenile offenders, who are victims of child abuse or neglect or who have experienced violence in their homes, at school, or in the community, and to their families, in order to reduce the likelihood that such juveniles will commit violations of law;*

(2) *educational projects or supportive services for delinquent or other juveniles—*

(A) *to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;*

(B) *to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;*

- (C) to assist in identifying learning difficulties (including learning disabilities);
- (D) to prevent unwarranted and arbitrary suspensions and expulsions;
- (E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;
- (F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other juveniles with disabilities;
- (G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; or
- (H) to provide services to juveniles with serious mental and emotional disturbances (SED) in need of mental health services;
- (3) projects which expand the use of probation officers—
 - (A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and
 - (B) to ensure that juveniles follow the terms of their probation;
- (4) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;
- (5) community-based projects and services (including literacy and social service programs) which work with juvenile offenders and juveniles who are at risk of becoming juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;
- (6) projects designed to provide for the treatment (including mental health services) of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;
- (7) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;
- (8) projects which provide for an initial intake screening of each juvenile taken into custody—
 - (A) to determine the likelihood that such juvenile will commit a subsequent offense; and
 - (B) to provide appropriate interventions (including mental health services) to prevent such juvenile from committing subsequent offenses;
- (9) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly

violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

(10) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies (including collaboration on appropriate prenatal care for pregnant juvenile offenders), private nonprofit agencies, and public recreation agencies offering services to juveniles;

(11) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

(12) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

(13) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

(14) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

(15) programs that focus on the needs of young girls at-risk of delinquency or status offenses;

(16) projects which provide for—

(A) an assessment by a qualified mental health professional of incarcerated juveniles who are suspected to be in need of mental health services;

(B) the development of an individualized treatment plan for those incarcerated juveniles determined to be in need of such services;

(C) the inclusion of a discharge plan for incarcerated juveniles receiving mental health services that addresses aftercare services; and

(D) all juveniles receiving psychotropic medications to be under the care of a licensed mental health professional;

(17) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

(18) programs related to the establishment and maintenance of a school violence hotline, based on a public-private partnership, that students and parents can use to report suspicious, violent, or threatening behavior to local school and law enforcement authorities;

(19) programs (excluding programs to purchase guns from juveniles) designed to reduce the unlawful acquisition and illegal use of guns by juveniles, including partnerships between law enforcement agencies, health professionals, school officials, firearms manufacturers, consumer groups, faith-based groups and community organizations;

(20) programs designed to prevent animal cruelty by juveniles and to counsel juveniles who commit animal cruelty offenses, including partnerships among law enforcement agencies, animal control officers, social services agencies, and school officials;

(21) programs that provide suicide prevention services for incarcerated juveniles and for juveniles leaving the incarceration system;

(22) programs to establish partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that reflect the values of parents, teachers, and local communities, and incorporate elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness;

(23) programs that foster strong character development in at-risk juveniles and juveniles in the juvenile justice system;

(24) local programs that provide for immediate psychological evaluation and follow-up treatment (including evaluation and treatment during a mandatory holding period for not less than 24 hours) for juveniles who bring a gun on school grounds without permission from appropriate school authorities; and

(25) other activities that are likely to prevent juvenile delinquency.

(b) **GRANTS TO ELIGIBLE INDIAN TRIBES.**—The Administrator may make grants to eligible Indian tribes from funds allocated under section 242(b), to carry out projects of the kinds described in subsection (a).

SEC. 242. ALLOCATION.

(a) **ALLOCATION AMONG ELIGIBLE STATES.**—Subject to subsection (b), funds appropriated to carry out this part shall be allocated among eligible States proportionately based on the population that is less than 18 years of age in the eligible States.

(b) **ALLOCATION AMONG INDIAN TRIBES COLLECTIVELY.**—Before allocating funds under subsection (a) among eligible States, the Administrator shall allocate among eligible Indian tribes as determined under section 246(a), an aggregate amount equal to the amount such tribes would be allocated under subsection (a), and without regard to this subsection, if such tribes were treated collectively as an eligible State.

SEC. 243. ELIGIBILITY OF STATES.

(a) **APPLICATION.**—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

(1) An assurance that the State will use—

(A) not more than 5 percent of such grant, in the aggregate, for—

(i) the costs incurred by the State to carry out this part; and

(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

(B) the remainder of such grant to make grants under section 244.

(2) An assurance that, and a detailed description of how, such grant will supplement, and not supplant State and local efforts to prevent juvenile delinquency.

(3) An assurance that such application was prepared after consultation with and participation by the State advisory group, community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

(4) An assurance that the State advisory group will be afforded the opportunity to review and comment on all grant applications submitted to the State agency.

(5) An assurance that each eligible entity described in section 244 that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

(6) Such other information and assurances as the Administrator may reasonably require by rule.

(b) APPROVAL OF APPLICATIONS.—

(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

(A)(i) the State submitted a plan under section 223 for such fiscal year; and

(ii) such plan is approved by the Administrator for such fiscal year; or

(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

SEC. 244. GRANTS FOR LOCAL PROJECTS.

(a) GRANTS BY STATES.—Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State, and reviewed by the State advisory group, to carry out projects and activities described in section 241.

(b) SPECIAL CONSIDERATION.—For purposes of making grants under subsection (a), the State shall give special consideration to eligible entities that—

(1) propose to carry out such projects in geographical areas in which there is—

- (A) a disproportionately high level of serious crime committed by juveniles; or
- (B) a recent rapid increase in the number of nonstatus offenses committed by juveniles;
- (2)(A) agreed to carry out such projects or activities that are multidisciplinary and involve more than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles; or
- (B) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and
- (3) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

SEC. 245. ELIGIBILITY OF ENTITIES.

(a) **ELIGIBILITY.**—Except as provided in subsection (b), to be eligible to receive a grant under section 244, a unit of general purpose local government, acting jointly with not fewer than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles, shall submit to the State an application that contains the following:

- (1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (25) of section 241(a) as specified in, such application.
- (2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.
- (3) A statement identifying the research (if any) such entity relied on in preparing such application.

(b) **LIMITATION.**—If an eligible entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.

SEC. 246. GRANTS TO INDIAN TRIBES.

(a) **ELIGIBILITY.**—

- (1) **APPLICATION.**—To be eligible to receive a grant under section 241(b), an Indian tribe shall submit to the Administrator an application in accordance with this section, in such form and containing such information as the Administrator may require by rule.
- (2) **PLANS.**—Such application shall include a plan for conducting programs, projects, and activities described in section 241(a), which plan shall—

(A) provide evidence that the applicant Indian tribe performs law enforcement functions (as determined by the Secretary of the Interior);

(B) identify the juvenile justice and delinquency problems and juvenile delinquency prevention needs to be addressed by activities conducted with funds provided by the grant for which such application is submitted, by the Indian tribe in the geographical area under the jurisdiction of the Indian tribe;

(C) provide for fiscal control and accounting procedures that—

(i) are necessary to ensure the prudent use, proper disbursement, and accounting of grants received by applicants under this section; and

(ii) are consistent with the requirement specified in subparagraph (B); and

(D) comply with the requirements specified in section 223(a) (excluding any requirement relating to consultation with a State advisory group) and with the requirements specified in section 222(c); and

(E) contain such other information, and be subject to such additional requirements, as the Administrator may reasonably require by rule to ensure the effectiveness of the projects for which grants are made under section 241(b).

(b) **FACTORS FOR CONSIDERATION.**—For the purpose of selecting eligible applicants to receive grants under section 241(b), the Administrator shall consider—

(1) the resources that are available to each applicant Indian tribe that will assist, and be coordinated with, the overall juvenile justice system of the Indian tribe; and

(2) with respect to each such applicant—

(A) the juvenile population; and

(B) the population and the entities that will be served by projects proposed to be carried out with the grant for which the application is submitted.

(c) **GRANT PROCESS.**—

(1) **SELECTION OF GRANT RECIPIENTS.**—

(A) **SELECTION REQUIREMENTS.**—Except as provided in paragraph (2), the Administrator shall—

(i) make grants under this section on a competitive basis; and

(ii) specify in writing to each applicant selected to receive a grant under this section, the terms and conditions on which such grant is made to such applicant.

(B) **PERIOD OF GRANT.**—A grant made under this section shall be available for expenditure during a 2-year period.

(2) **EXCEPTION.**—If—

(A) in the 2-year period for which a grant made under this section shall be expended, the recipient of such grant applies to receive a subsequent grant under this section; and

(B) the Administrator determines that such recipient performed during the year preceding the 2-year period for which such recipient applies to receive such subsequent

grant satisfactorily and in accordance with the terms and conditions applicable to the grant received;
then the Administrator may waive the application of the competition-based requirement specified in paragraph (1)(A)(i) and may allow the applicant to incorporate by reference in the current application the text of the plan contained in the recipient's most recent application previously approved under this section.

(3) **AUTHORITY TO MODIFY APPLICATION PROCESS FOR SUBSEQUENT GRANTS.**—*The Administrator may modify by rule the operation of subsection (a) with respect to the submission and contents of applications for subsequent grants described in paragraph (2).*

(d) **REPORTING REQUIREMENT.**—*Each Indian tribe that receives a grant under this section shall be subject to the fiscal accountability provisions of section 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.*

(e) **MATCHING REQUIREMENT.**—(1) *Funds appropriated for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of any program or project with a matching requirement funded under this section.*

(2) *Paragraph (1) shall not apply with respect to funds appropriated before the date of the enactment of the Juvenile Justice and Delinquency Prevention Act of 2001.*

(3) *If the Administrator determines that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of any program or activity to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent the Administrator deems necessary.*

PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION

(a) **RESEARCH AND EVALUATION.**—(1) *The Administrator may—*

(A) *plan and identify the purposes and goals of all agreements carried out with funds provided under this subsection; and*

(B) *conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—*

(i) *the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;*

(ii) *the link between juvenile delinquency and the incarceration of members of the families of juveniles;*

(iii) *successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;*

(iv) *successful efforts to prevent recidivism;*

(v) *the juvenile justice system;*

(vi) *juvenile violence;*

(vii) appropriate mental health services for juveniles and youth at risk of participating in delinquent activities;

(viii) reducing the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups;

(ix) evaluating services, treatment, and aftercare placement of juveniles who were under the care of the State child protection system before their placement in the juvenile justice system;

(x) determining—

(I) the frequency, seriousness, and incidence of drug use by youth in schools and communities in the States using, if appropriate, data submitted by the States pursuant to this subparagraph and subsection (b); and

(II) the frequency, degree of harm, and morbidity of violent incidents, particularly firearm-related injuries and fatalities, by youth in schools and communities in the States, including information with respect to—

(aa) the relationship between victims and perpetrators;

(bb) demographic characteristics of victims and perpetrators; and

(cc) the type of weapons used in incidents, as classified in the Uniform Crime Reports of the Federal Bureau of Investigation; and

(xi) other purposes consistent with the purposes of this title and title I.

(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

(3) Nothing in this subsection shall be construed to permit the development of a national database of personally identifiable information on individuals involved in studies, or in data-collection efforts, carried out under paragraph (1)(B)(x).

(4) Not later than 1 year after the date of enactment of this paragraph, the Administrator shall conduct a study with respect to juveniles who, prior to placement in the juvenile justice system, were under the care or custody of the State child welfare system, and to juveniles who are unable to return to their family after completing their disposition in the juvenile justice system and who remain wards of the State. Such study shall include—

(A) the number of juveniles in each category;

(B) the extent to which State juvenile justice systems and child welfare systems are coordinating services and treatment for such juveniles;

(C) the Federal and local sources of funds used for placements and post-placement services;

(D) barriers faced by State in providing services to these juveniles;

(E) the types of post-placement services used;

(F) the frequency of case plans and case plan reviews; and

- (G) *the extent to which case plans identify and address permanency and placement barriers and treatment plans.*
- (b) **STATISTICAL ANALYSES.**—*The Administrator may—*
- (1) *plan and identify the purposes and goals of all agreements carried out with funds provided under this subsection; and*
 - (2) *undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consistent with the purposes of this title and title I.*
- (c) **COMPETITIVE SELECTION PROCESS.**—*The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).*
- (d) **IMPLEMENTATION OF AGREEMENTS.**—*A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.*
- (e) **INFORMATION DISSEMINATION.**—*The Administrator may—*
- (1) *review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;*
 - (2) *establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and*
 - (3) *make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.*

SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.

- (a) **TRAINING.**—*The Administrator may—*
- (1) *develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, to carry out the purposes specified in section 102; and*
 - (2) *make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), cor-*

rections, schools, and related services, to carry out the purposes specified in section 102.

(b) **TECHNICAL ASSISTANCE.**—*The Administrator may—*

(1) *develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and*

(2) *make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.*

(c) **TRAINING AND TECHNICAL ASSISTANCE TO MENTAL HEALTH PROFESSIONALS AND LAW ENFORCEMENT PERSONNEL.**—*The Administrator shall provide training and technical assistance to mental health professionals and law enforcement personnel (including public defenders, police officers, probation officers, judges, parole officials, and correctional officers) to address or to promote the development, testing, or demonstration of promising or innovative models (including model juvenile and family courts), programs, or delivery systems that address the needs of juveniles who are alleged or adjudicated delinquent and who, as a result of such status, are placed in secure detention or confinement or in nonsecure residential placements.*

PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

SEC. 261. GRANTS AND PROJECTS.

(a) **AUTHORITY TO MAKE GRANTS.**—*The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.*

(b) **USE OF GRANTS.**—*A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.*

SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.

The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide

technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

SEC. 263. ELIGIBILITY.

To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonably require by rule.

SEC. 264. REPORTS.

Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying out the projects for which such grants are made.

PART [I] (F)—GENERAL AND ADMINISTRATIVE PROVISIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 299. [(a)(1)] To carry out the purposes of this title (other than parts D, E, F, G, H, and I) there are authorized to be appropriated \$150,000,000 for fiscal years 1993, 1994, 1995, and 1996. Funds appropriated for any fiscal year shall remain available for obligation until expended.

[(2)(A)] Subject to subparagraph (B), to carry out part D, there are authorized to be appropriated—

[(i)] to carry out subpart 1, \$25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996; and

[(ii)] to carry out subpart 2, \$25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.

[(B)] No funds may be appropriated to carry out part D, E, F, G, or I of this title or title V or VI for a fiscal year unless the aggregate amount appropriated to carry out this title (other than part D, E, F, G, or I of this title or title V or VI) for the fiscal year is not less than the aggregate amount appropriated to carry out this title (other than part D, E, F, G, or I of this title or title V or VI) for the preceding fiscal year.

[(3)] To carry out part E, there are authorized to be appropriated \$50,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, and 1996.

[(4)(A)] Subject to subparagraph (B), there are authorized to be appropriated to carry out part F—

[(i)] \$15,000,000 for fiscal year 1993; and

[(ii)] such sums as are necessary for fiscal years 1994, 1995, and 1996.

[(B)] No amount is authorized to be appropriated for a fiscal year to carry out part F unless the aggregate amount appropriated to carry out this title for that fiscal year is not less than the aggregate amount appropriated to carry out this title for the preceding fiscal year.

[(C) From the amount appropriated to carry out part F in a fiscal year, the Administrator shall use—

[(i) not less than 85 percent to make grants for treatment and transitional services;

[(ii) not to exceed 10 percent for grants for research; and

[(iii) not to exceed 5 percent for salaries and expenses of the Office of Juvenile Justice and Delinquency Prevention related to administering part F.

[(5)(A) Subject to subparagraph (B), there are authorized to be appropriated to carry out part G such sums as are necessary for fiscal years 1993, 1994, 1995, and 1996.

[(6)(A) There are authorized to be appropriated to carry out part H such sums as are necessary for fiscal year 1993, to remain available until expended, of which—

[(i) not more than \$12,500,000 shall be used to convert any 1 closed military base or to modify any 1 existing military base or other designated facility to a boot camp; and

[(ii) not more than \$2,500,000 shall be used to operate any 1 boot camp during a fiscal year.

[(B) No amount is authorized to be appropriated for a fiscal year to carry out part H unless the aggregate amount appropriated to carry out parts A, B, and C of this title for that fiscal year is not less than 120 percent of the aggregate amount appropriated to carry out those parts for fiscal year 1992.

[(7)(A) There are authorized to be appropriated such sums as are necessary for each National Conference and associated State and regional conferences under part I, to remain available until expended.

[(B) New spending authority or authority to enter into contracts under part I shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

[(C) No funds appropriated to carry out this Act shall be made available to carry out part I other than funds appropriated specifically for the purpose of conducting the Conference.

[(D) Any funds remaining unexpended at the termination of the Conference under part I, including submission of the report pursuant to section 291D, shall be returned to the Treasury of the United States and credited as miscellaneous receipts.

[(b) Of such sums as are appropriated to carry out the purposes of this title (other than part D)—

[(1) not to exceed 5 percent shall be available to carry out part A;

[(2) not less than 70 percent shall be available to carry out part B; and

[(3) 25 percent shall be available to carry out part C.

[(c) Notwithstanding any other provision of law, the Administrator shall—

[(1) establish appropriate administrative and supervisory board membership requirements for a State agency responsible for supervising the preparation and administration of the State plan submitted under section 223 and permit the State advisory group appointed under section 223(a)(3) to operate as the supervisory board for such agency, at the discretion of the Governor; and

[(2) approve any appropriate State agency designated by the Governor of the State involved in accordance with paragraph (1).]

(a) *AUTHORIZATION OF APPROPRIATIONS FOR TITLE II (EXCLUDING PARTS C AND E).*—(1) *There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 2002, 2003, 2004, 2005, and 2006.*

(2) *Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E)—*

(A) *not more than 5 percent shall be available to carry out part A;*

(B) *not less than 80 percent shall be available to carry out part B; and*

(C) *not more than 15 percent shall be available to carry out part D.*

(b) *AUTHORIZATION OF APPROPRIATIONS FOR PART C.*—*There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 2002, 2003, 2004, 2005, and 2006.*

(c) *AUTHORIZATION OF APPROPRIATIONS FOR PART E.*—*There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 2002, 2003, 2004, 2005, and 2006.*

* * * * *

[(e) Of such sums as are appropriated to carry out section 261(a)(6), not less than 20 percent shall be reserved by the Administrator for each of fiscal years 1993, 1994, 1995, and 1996, for not less than 2 programs that have not received funds under subpart II of part C prior to October 1, 1992, which shall be selected through the application and approval process set forth in section 262.]

ADMINISTRATIVE AUTHORITY

SEC. 299A. (a) * * *

* * * * *

(d) The Administrator is authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary for the exercise of the functions of the Office and [as are consistent with the purpose of this Act] *only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance.*

(e) *If a State requires by law compliance with the requirements described in paragraphs (11), (12), and (13) of section 223(a), then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.*

* * * * *

USE OF FUNDS

SEC. 299C. (a) * * *

* * * * *

[(c)(1) Funds paid pursuant to section 223(a)(10)(D) and section 261(a)(3) to any public or private agency, organization, or institution or to any individual shall not be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device intended or designed to influence a Member of Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body, except that this paragraph shall not preclude such funds from being used in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved.]

[(2) The Administrator shall take such action as may be necessary to ensure that no funds paid under section 223(a)(10)(D) or section 261(a)(3) are used either directly or indirectly in any manner prohibited in this paragraph.]

(c) No funds may be paid under this title to a residential program (excluding a program in a private residence) unless—

(1) there is in effect in the State in which such placement or care is provided, a requirement that the provider of such placement or such care may be licensed only after satisfying, at a minimum, explicit standards of discipline that prohibit neglect, physical and mental abuse, as defined by State law;

(2) such provider is licensed as described in paragraph (1) by the State in which such placement or care is provided; and

(3) such provider satisfies the licensing standards of each other State from which such provider receives a juvenile for such placement or such care, in accordance with the Interstate Compact on Child Placement as entered into by such other State.

PAYMENTS

SEC. 299D. (a) * * *

* * * * *

[(d) If the Administrator determines, on the basis of information available to the Administrator during any fiscal year, that a portion of the funds granted to an applicant under part C for such fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 802 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended from time to time, that portion shall be available for reallocation in an equitable manner to States which comply with the requirements in paragraphs (12)(A) and (13) of section 223(a), under section 261(b)(6).]

* * * * *

SEC. 299F. LIMITATIONS ON USE OF FUNDS.

None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.

SEC. 299G. RULES OF CONSTRUCTION.

Nothing in this title or title I shall be construed—

(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.

SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.

The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.

SEC. 299I. ISSUANCE OF RULES.

The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.

SEC. 299J. CONTENT OF MATERIALS.

Materials produced, procured, or distributed both using funds appropriated to carry out this Act and for the purpose of preventing hate crimes that result in acts of physical violence, shall not recommend or require any action that abridges or infringes upon the constitutionally protected rights of free speech, religion, or equal protection of juveniles or of their parents or legal guardians.

* * * * *

[TITLE IV—EXTENSION AND AMENDMENT OF THE JUVENILE DELINQUENCY PREVENTION ACT

[YOUTH DEVELOPMENT DEMONSTRATIONS

[SEC. 401. Title I of the Juvenile Delinquency Prevention Act is amended (1) in the caption thereof, by inserting “AND DEMONSTRATION PROGRAMS” after “SERVICES”; (2) following the caption thereof, by inserting “PART A—COMMUNITY-BASED COORDINATED YOUTH SERVICES”; (3) in sections 101, 102(a), 102(b)(1), 102(b)(2), 103(a) (including paragraph (1) thereof), 104(a) (including paragraphs (1), (4), (5), (7), and (10) thereof), and 104(b) by striking out “title” and inserting “part” in lieu thereof; and (4) by inserting at the end of the title following new part:

[“PART B—DEMONSTRATIONS IN YOUTH DEVELOPMENT

[“SEC. 105. (a) For the purpose of assisting the demonstration of innovative approaches to youth development and the prevention and treatment of delinquent behavior (including payment of all or part of the costs of minor remodeling or alteration), the Secretary may make grants to any State (or political subdivision thereof), any agency thereof, and any nonprofit private agency, institution, or organization that submits to the Secretary, at such time and in such form and manner as the Secretary’s regulations shall prescribe, an application containing a description of the purposes for which the grant is sought, and assurances satisfactory to the Secretary that the applicant will use the grant for the purposes for which it is pro-

vided, and will comply with such requirements relating to the submission of reports, methods of fiscal accounting, the inspection and audit of records and other materials, and such other rules, regulations, standards, and procedures, as the Secretary may impose to assure the fulfillment of the purposes of this Act.

["(b) No demonstrations may be assisted by a grant under this section for more than one year."

【CONSULTATION

【SEC. 402. (a) Section 408 of such Act is amended by adding at the end of subsection (a) thereof the following new subsection:

["(b) The Secretary shall consult with the Attorney General for the purpose of coordinating the development and implementation of programs and activities funded under this Act with those related programs and activities funded under the Omnibus Crime Control and Safe Streets Act of 1968";

and by deleting subsection (b) thereof.

【(b) Section 409 is repealed.

【REPEAL OF MINIMUM STATE ALLOTMENTS

【SEC. 403. Section 403(b) of such Act is repealed, and section 403(a) of such Act is redesignated section 403.

【EXTENSION OF PROGRAM

【SEC. 404. Section 402 of such Act, as amended by this Act, is further amended in the first sentence by inserting after "fiscal year" the following: "and such sums as may be necessary for fiscal year 1975".

【TITLE V—MISCELLANEOUS AND CONFORMING AMENDMENTS

【PART A—AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

【SEC. 501. Section 5031 of title 18, United States Code, is amended to read as follows:

【"§ 5031. Definitions

【"For the purposes of this chapter, a 'juvenile' is a person who has not attained his eighteenth birthday, or for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his twenty-fifth birthday, and 'juvenile delinquency' is the violation of a law of the United States committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult."

【DELINQUENCY PROCEEDINGS IN DISTRICT COURT

【SEC. 502. Section 5032 of title 18, United States Code, is amended to read as follows:

【"§ 5032. Delinquency proceedings in district courts; transfer for criminal prosecution

【"A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United

States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court or other appropriate court of a State (1) does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, or (2) does not have available programs and services adequate for the needs of juveniles.

["If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

["If an alleged juvenile delinquent is not surrendered to the authorities of a State or the District of Columbia pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall proceed by information, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency except as provided below.

["A juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless he has requested in writing upon advice of counsel to be proceeded against as an adult, except that, with respect to a juvenile sixteen years and older alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony punishable by a maximum penalty of ten years imprisonment or more, life imprisonment, or death, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, such transfer would be in the interest of justice.

["Evidence of the following factors shall be considered, and findings with regard to each factor shall be made in the record, in assessing whether a transfer would be in the interest of justice: the age and social background of the juvenile; the nature of the alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present intellectual development and psychological maturity; the nature of past treatment efforts and the juvenile's response to such efforts; the availability of programs designed to treat the juvenile's behavioral problems.

["Reasonable notice of the transfer hearing shall be given to the juvenile, his parents, guardian, or custodian and to his counsel. The juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

["Once a juvenile has entered a plea of guilty or the proceeding has reached the stage that evidence has begun to be taken with respect to a crime or an alleged act of juvenile delinquency subsequent criminal prosecution or juvenile proceedings based upon such alleged act of delinquency shall be barred.

["Statements made by a juvenile prior to or during a transfer hearing under this section shall not be admissible at subsequent criminal prosecutions."

【CUSTODY

【SEC. 503. Section 5033 of title 18, United States Code, is amended to read as follows:

[“§ 5033. Custody prior to appearance before magistrate

["Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise such juvenile of his legal rights, in language comprehensive to a juvenile, and shall immediately notify the Attorney General and the juvenile's parents, guardian, or custodian of such custody. The arresting officer shall also notify the parents, guardian, or custodian of the rights of the juvenile and of the nature of the alleged offense.

["The juvenile shall be taken before a magistrate forthwith. In no event shall the juvenile be detained for longer than a reasonable period of time before being brought before a magistrate.”

[DUTIES OF MAGISTRATE

[SEC. 504. Section 5034 of title 18, United States Code, is amended to read as follows:

[“§ 5034. Duties of magistrate

["The magistrate shall insure that the juvenile is represented by counsel before proceeding with critical stages of the proceedings. Counsel shall be assigned to represent a juvenile when the juvenile and his parents, guardian, or custodian are financially unable to obtain adequate representation. In cases where the juvenile and his parents, guardian, or custodian are financially able to obtain adequate representation but have not retained counsel, the magistrate may assign counsel and order the payment of reasonable attorney's fees or may direct the juvenile, his parents, guardian, or custodian to retain private counsel within a specified period of time.

["The magistrate may appoint a guardian ad litem if a parent or guardian of the juvenile is not present, or if the magistrate has reason to believe that the parents or guardian will not cooperate with the juvenile in preparing for trial, or that the interests of the parents or guardian and those of the juvenile are adverse.

["If the juvenile has not been discharged before his initial appearance before the magistrate, the magistrate shall release the juvenile to his parents, guardian, custodian, or other responsible party (including, but not limited to, the director of a shelter-care facility upon their promise to bring such juvenile before the appropriate court when requested by such court unless the magistrate determines, after hearing, at which the juvenile is represented by counsel, that the detention of such juvenile is required to secure his timely appearance before the appropriate court or to insure his safety or that of others.”

[DETENTION

[SEC. 505. Section 5035 of this title is amended to read as follows:

[“§ 5035. Detention prior to disposition

["A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General may designate. Whenever possible, detention shall be in a foster home or community-based facility located in or near his home community. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution

in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges. Insofar as possible, alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.”

【SPEEDY TRIAL

【SEC. 506. Section 5036 of this title is amended to read as follows:

【“§ 5036. Speedy trial

【“If an alleged delinquent who is in detention pending trial is not brought to trial within thirty days from the date upon which such detention was begun, the information shall be dismissed on motion of the alleged delinquent or at the direction of the court, unless the Attorney General shows that additional delay was caused by the juvenile or his counsel, or consented to by the juvenile and his counsel, or would be in the interest of justice in the particular case. Delays attributable solely to court calendar congestion may not be considered in the interest of justice. Except in extraordinary circumstances, an information dismissed under this section may not be reinstituted.”

【DISPOSITION

【SEC. 507. Section 5037 is amended to read as follows:

【“§ 5037. Dispositional hearing

【“(a) If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than twenty court days after trial unless the court has ordered further study in accordance with subsection (c). Copies of the presentence report shall be provided to the attorneys for both the juvenile and the government a reasonable time in advance of the hearing.

【“(b) The court may suspend the adjudication of delinquency or the disposition of the delinquent on such conditions as it deems proper, place him on probation, or commit him to the custody of the Attorney General. Probation, commitment, or commitment in accordance with subsection (c) shall not extend beyond the juvenile’s twenty-first birthday or the maximum term which could have been imposed on an adult convicted of the same offense, whichever is sooner, unless the juvenile has attained his nineteenth birthday at the time of disposition, in which case probation, commitment, or commitment in accordance with subsection (c) shall not exceed the lesser of two years or the maximum term which could have been imposed on an adult convicted of the same offense.

【“(c) If the court desires more detailed information concerning an alleged or adjudicated delinquent, it may commit him, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study

may be ordered only with the consent of the juvenile and his attorney. The agency shall make a complete study of the alleged or adjudicated delinquent to ascertain his personal traits, his capabilities, his background, any previous delinquency or criminal experience, any mental or physical defect, and any other relevant factors. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within thirty days after the commitment of the juvenile, unless the court grants additional time."

[JUVENILE RECORDS

[SEC. 508. Section 5038 is added, to read as follows:

[**"§ 5038. Use of juvenile records**

["(a) Throughout the juvenile delinquency proceeding the court shall safeguard the records from disclosure. Upon the completion of any juvenile delinquency proceeding whether or not there is an adjudication the district court shall order the entire file and record of such proceeding sealed. After such sealing, the court shall not release these records except to the extent necessary to meet the following circumstances:

["(1) inquiries received from another court of law;

["(2) inquiries from an agency preparing a presentence report for another court;

["(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

["(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court; and

["(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security.

Unless otherwise authorized by this section, information about the sealed record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

["(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language, of rights relating to the sealing of his juvenile record.

["(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive sealed records.

["(d) Unless a juvenile who is taken into custody is prosecuted as an adult—

["(1) neither the fingerprints nor a photograph shall be taken without the written consent of the judge; and

[(2) neither the name nor picture of any juvenile shall be made public by any medium of public information in connection with a juvenile delinquency proceeding.]

[COMMITMENT]

[SEC. 509. Section 5039 is added, to read as follows:

[“§ 5039. Commitment

[(No juvenile committed to the custody of the Attorney General may be placed or retained in an adult jail or correctional institution in which he has regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

[(Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.

[(Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community.)]

[SUPPORT]

[SEC. 510. Section 5040 is added, to read as follows:

[“§ 5040. Support

[(The Attorney General may contract with any public or private agency or individual and such community-based facilities as halfway houses and foster homes for the observation and study and the custody and care of juveniles in his custody. For these purposes, the Attorney General may promulgate such regulations as are necessary and may use the appropriation for ‘support of United States prisoners’ or such other appropriations as he may designate.)]

[PAROLE]

[SEC. 511. Section 5041 is added to read as follows:

[“§ 5041. Parole

[(The Board of Parole shall release from custody, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the Board is satisfied that he is likely to remain at liberty without violating the law and when such release would be in the interest of justice.)]

[REVOCATION]

[SEC. 512. Section 5042 is added to read as follows:

[“§ 5042. Revocation of parole or probation

[(Any juvenile parolee or probationer shall be accorded notice and a hearing with counsel before his parole or probation can be revoked.)]

[SEC. 513. The table of sections of chapter 403 of this title is amended to read as follows:

[“Sec.

- ["5031. Definitions.
- ["5032. Delinquency proceedings in district courts; transfer for criminal prosecution.
- ["5033. Custody prior to appearance before magistrate.
- ["5034. Duties of magistrate.
- ["5035. Detention prior to disposition.
- ["5036. Speedy trial.
- ["5037. Dispositional hearing.
- ["5038. Use of juvenile records.
- ["5039. Commitment.
- ["5040. Support.
- ["5041. Parole.
- ["5042. Revocation.".

[PART B—NATIONAL INSTITUTE OF CORRECTIONS

[SEC. 521. Title 18, United States Code, is amended by adding a new chapter 319 to read as follows:

["CHAPTER 319—NATIONAL INSTITUTE OF CORRECTIONS

["SEC. 4351. (a) There is hereby established within the Bureau of Prisons a National Institute of Corrections.

["(b) The overall policy and operations of the National Institute of Corrections shall be under the supervision of an Advisory Board. The Board shall consist of sixteen members. The following six individuals shall serve as members of the Commission ex officio: the Director of the Federal Bureau of Prisons or his designee, the Administrator of the Law Enforcement Assistance Administration or his designee, Chairman of the United States Parole Board or his designee, the Director of the Federal Judicial Center or his designee, the Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention or his designee, and the Assistant Secretary for Human Development of the Department of Health, Education, and Welfare or his designee.

["(c) The remaining ten members of the Board shall be selected as follows:

["(1) Five shall be appointed initially by the Attorney General of the United States for staggered terms; one member shall serve for one year, one member for two years, and three members for three years. Upon the expiration of each member's term, the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be qualified as a practitioner (Federal, State, or local) in the field of corrections, probation, or parole.

["(2) Five shall be appointed initially by the Attorney General of the United States for staggered terms, one member shall serve for one year, three members for two years, and one member for three years. Upon the expiration of each member's term the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be from the private sector, such as business, labor, and education, having demonstrated an active interest in corrections, probation, or parole.

["(d) The members of the Board shall not, by reason of such membership, be deemed officers or employees of the United States. Members of the Commission who are full-time officers or employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Board. Other members of the Board shall, while attending meet-

ings of the Board or while engaged in duties related to such meetings or in other activities of the Commission pursuant to this title, be entitled to receive compensation at the rate not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code, including travel-time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

["(e) The Board shall elect a chairman from among its members who shall serve for a term of one year. The members of the Board shall also elect one or more members as a vice-chairman.

["(f) The Board is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Institute with respect to the administration of this title as it deems appropriate. Members of these committees not otherwise employed by the United States, while engaged in advising the Institute or attending meetings of the committees, shall be entitled to receive compensation at the rate fixed by the Board but not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

["(g) The Board is authorized to delegate its powers under this title to such persons as it deems appropriate.

["(h) The Institute shall be under the supervision of an officer to be known as the Director, who shall be appointed by the Attorney General after consultation with the Board. The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administrative personnel, subject to the civil service and classification laws, as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Board. The Director is authorized to delegate his powers under this title to such persons as he deems appropriate.

["SEC. 4352. (a) In addition to the other powers, express and implied, the National Institute of Corrections shall have authority—

["(1) to receive from or make grants to and enter into contracts with Federal, State, and general units of local government, public and private agencies, educational institutions, organizations, and individuals to carry out the purposes of this chapter;

["(2) to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on corrections, including, but not limited to, programs for prevention of crime and recidivism, training of corrections personnel, and rehabilitation and treatment of criminal and juvenile offenders;

【“(3) to assist and serve in a consulting capacity to Federal, State, and local courts, departments, and agencies in the development, maintenance, and coordination of programs, facilities, and services, training, treatment, and rehabilitation with respect to criminal and juvenile offenders;

【“(4) to encourage and assist Federal, State, and local government programs and services, and programs and services of other public and private agencies, institutions, and organizations in their efforts to develop and implement improved corrections programs;

【“(5) to devise and conduct, in various geographical locations, seminars, workshops, and training programs for law enforcement officers, judges, and judicial personnel, probation and parole personnel, correctional personnel, welfare workers, and other persons, including lay ex-offenders, and paraprofessional personnel, connected with the treatment and rehabilitation of criminal and juvenile offenders;

【“(6) to develop technical training teams to aid in the development of seminars, workshops, and training programs within the several States and with the State and local agencies which work with prisoners, parolees, probationers, and other offenders;

【“(7) to conduct, encourage, and coordinate research relating to corrections, including the causes, prevention, diagnosis, and treatment of criminal offenders;

【“(8) to formulate and disseminate correctional policy, goals, standards, and recommendations for Federal, State, and local correctional agencies, organizations, institutions, and personnel;

【“(9) to conduct evaluation programs which study the effectiveness of new approaches, techniques, systems, programs, and devices employed to improve the corrections systems;

【“(10) to receive from any Federal department or agency such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information to the Institute;

【“(11) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel, facilities, or equipment of such departments and agencies;

【“(12) to confer with and avail itself of the assistance, services, records, and facilities of State and local governments or other public or private agencies, organizations, or individuals;

【“(13) to enter into contracts with public or private agencies, organizations, or individuals, for the performance of any of the functions of the Institute; and

【“(14) to procure the services of experts and consultants in accordance with section 3109 of title 5 of the United States Code, at rates of compensation not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5 of the United States Code.

【“(b) The Institute shall on or before the 31st day of December of each year submit an annual report for the preceding fiscal year to the President and to the Congress. The report shall include a

comprehensive and detailed report of the Institute's operations, activities, financial condition, and accomplishments under this title and may include such recommendations related to corrections as the Institute deems appropriate.

["(c) Each recipient of assistance under this shall keep such records as the Institute shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

["(d) The Institute, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purposes of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this chapter.

["(e) The provision of this section shall apply to all recipients of assistance under this title, whether by direct grant or contract from the Institute or by subgrant or subcontract from primary grantees or contractors of the Institute.

["SEC. 4353. There is hereby authorized to be appropriated such funds as may be required to carry out the purposes of this chapter."

【PART C—CONFORMING AMENDMENTS

【SEC. 541. (a) The section titled "DECLARATION AND PURPOSE" in title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended by inserting immediately after the second paragraph thereof the following new paragraph:

【"Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss in human life, personal security, and wasted human resources, and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency."

【(b) Such section is further amended by adding at the end thereof the following new paragraph:

【"It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination to (1) develop and implement effective methods of preventing and reducing juvenile delinquency; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile justice and delinquency prevention."

【SEC. 542. The third sentence of section 203(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended to read as

follows: "The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations including organizations directly related to delinquency prevention."

【SEC. 543. Section 303(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after the first sentence the following: "In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974 a State shall submit a plan for carrying out the purposes of that Act in accordance with this section and section 223 of that Act."】

【SEC. 544. Section 520 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by (1) inserting "(a)" after "SEC. 520." and (2) by inserting at the end thereof the following:

【"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall expend from other Law Enforcement Assistance Administration appropriations, other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs as was expended by the Administration during fiscal year 1972."】

【SEC. 545. Part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new sections:

【"SEC. 526. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

【"SEC. 527. All programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974.

【"SEC. 528. (a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

【"(b) Notwithstanding the provisions of section 5108 of title 5, United States Code, and without prejudice with respect to the number of positions otherwise placed in the Administration under such section 5108, the Administrator may place three positions in GS-16, GS-17, and GS-18 under section 5332 of such title 5."】

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VICTIMS OF CHILD ABUSE ACT OF 1990

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Subtitle A—Improving Investigation and Prosecution of Child Abuse Cases

* * * * *

SEC. 214. LOCAL CHILDREN'S ADVOCACY CENTERS.

(a) * * *

(b) GRANT CRITERIA.—(1) The Director shall establish the criteria to be used in evaluating applications for grants under this section consistent with sections [262, 293, and 296 of subpart II of title II] *299B and 299E* of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665 et seq.).

* * * * *

SEC. 214A. GRANTS FOR SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.

(a) * * *

* * * * *

(c) GRANT CRITERIA.—

(1) The Administrator shall establish the criteria to be used for evaluating applications for grants under this section, consistent with sections [262, 293, and 296 of subpart II of title II] *299B and 299E* of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5665 et seq.).

* * * * *

Subtitle B—Court-Appointed Special Advocate Program

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SEC. 217. STRENGTHENING OF THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

(a) * * *

* * * * *

(c) GRANT CRITERIA.—(1) The Administrator shall establish criteria to be used in evaluating applications for grants under this section, consistent with [sections 262, 293, and 296 of subpart II of title II] *sections 299B and 299E* of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665 et seq.).

* * * * *

Subtitle C—Child Abuse Training Programs for Judicial Personnel and Practitioners

* * * * *

SEC. 223. SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.

(a) * * *

* * * * *

(c) GRANT CRITERIA.—The Administrator shall make grants under subsections (a) and (b) consistent with [section 262, 293, and 296] *sections 262, 299B, and 299E* of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665 et seq.).

* * * * *

SECTION 404 OF THE MISSING CHILDREN'S ASSISTANCE ACT

DUTIES AND FUNCTIONS OF THE ADMINISTRATOR

SEC. 404. (a) The Administrator shall—

(1) * * *

* * * * *

(5) not later than 180 days after the end of each fiscal year, submit a report to the President, Speaker of the House of Representatives, and the President pro tempore of the Senate—

(A) * * *

* * * * *

(E) describing in detail the number and types of telephone calls received in the preceding fiscal year over the national toll-free telephone line established under subsection (b)(1)(A) and the number and types of communications referred to the national communications system established under section [313] *331*;

* * * * *

ADDITIONAL VIEWS

INTRODUCTION

H.R. 1900 represents the third attempt to reauthorize the Juvenile Justice and Delinquency Prevention Act in as many Congresses. This bipartisan effort is by far the closest the Committee has come to offering meaningful juvenile justice reforms it began its initial consideration of the issues surrounding reauthorization in 1996. Instead of emphasizing punishment and “adult like” incarceration, H.R. 1900 affirms the rehabilitative purpose of the juvenile courts while recognizing several present-day realities that state and local juvenile justice systems face in addressing juvenile crime.

We are pleased that the reported bill maintains the principles of the Act’s core mandates that protect juveniles and promote treatment and rehabilitation for nonviolent and first-time offenders. We are also pleased the bill adds additional protection for juveniles through better supervision of boot camps and promotes improved collaboration between social service programs.

We are, however, disappointed the bill weakens hate crime provisions of the Act, and creates a potentially dangerous exception that allows juveniles, in certain cases, to be incarcerated in adult facilities in rural areas.

I. MAINTAINING THE ACT’S CORE MANDATES

A. Deinstitutionalization of status offenders

When the Act was created 27 years ago, a major focus was the deinstitutionalization of status offenders (DSO). The DSO mandate, adopted as part of the Act, prohibits States from placing status offenders (i.e. youth who commit offenses that would not be crimes if committed by an adult, such as running away from home, truancy, curfew violations of incorrigibility) and non-offenders (i.e., abused and neglected children) in jails or other secure facilities. Over the years, States have moved dramatically from a punishment-oriented, institution-dominated approach to the establishment of critically needed community-based programs. These treatment-oriented programs give law enforcement and the juvenile courts alternatives to locking up non-criminal youth. But even more importantly, status offenders are provided supervision and services, rather than exposure to more serious juvenile offenders. Research has shown that the deeper a youth penetrates the juvenile justice system, the more likely it is that he or she will fall back into criminal behavior.

Despite the fact that most runaway youth are fleeing physical or sexual abuse, the notions that status offenders are disobedient minors and that truancy and running away are the first predictors of future delinquency are re-emerging.

In deciding whether the DSO mandate should continue as a condition of receiving federal funds, the Committee properly deferred to juvenile justice practitioners. At the May 21, 1997, Committee hearing, Representative Robert “Bobby” Scott (D—VA) asked the witnesses¹ whether current law should be changed to permit detaining status offenders. All six witnesses opposed any change. The witnesses further agreed that even temporary confinement in a secure facility for the child’s “protection” was unnecessary. This testimony, coupled with our strong aversion to punishing children for having been victims, led to the Committee’s retention of the DSO mandate.

B. Disproportionate minority confinement (DMC)

The Act requires States to reduce the disproportionate number of minorities confined in secure facilities. This provision has been widely misinterpreted and is in need of clarification. In response to research demonstrating the existence of substantial racial disparity within the juvenile justice system, Congress amended the Act in 1992 to include the disproportionate minority confinement mandate (DMC). Under the Act the DMC mandate requires States to “address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities jails and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population.”

Many States correctly interpreted this mandate as requiring them to address the causes of minority overrepresentation, if present. Other States, however, misinterpreted DMC as requiring the release of minority juveniles in order that their numbers in secure confinement would not exceed their numbers in the general population. Only Maine and Vermont found no DMC problem in their respective States. In retaining the DMC requirement, the Committee bill sought to strengthen and clarify the objective of this important core requirement. The Committee bill requires States to reduce disproportionate minority confinement by addressing both “delinquency prevention efforts and system improvement efforts.” At the same time, the bill expressly states that DMC does not require “numerical standards or quotas.”

Retaining the mandate is necessary to ensure that prevention efforts are targeted to communities where a disproportionate number of minorities are committed to the juvenile justice system. We know what works to reduce juvenile crime: mentoring programs, truancy prevention programs, recreation, guaranteed access to college, job training, drug rehabilitation, community-based family oriented services, and much more. Research shows that juvenile crime

¹ Witnesses included: James Sileo, National Board Member, Big Brothers and Big Sisters of America and Pennsylvania State Police Officer; Peter LaVallee, Director, Redwood Region Youth Service Bureau, Eureka, California; Michael Petit, Deputy Director, Child Welfare League of America; Judge Kimberly O’Donnell, Juvenile and Domestic Relations District Court of Richmond, Virginia; Betty Tatham, Executive Director, YWCA Buck County, Trevoise, Pennsylvania; Jim Kester, Juvenile Justice Specialist, Criminal Justice Division, Texas Governor’s Office.

is substantially reduced when these types of prevention programs are introduced and maintained in impoverished communities.²

In addition to prevention programs, the Committee bill requires States to address “system improvement efforts” designed to reduce the disproportionate confinement of minority juveniles. States should take positive steps to address a system that employs, unintentionally or not, a selection bias from the moment of arrest through incarceration that results in a disproportionate number of minority youth in the juvenile system. Such efforts may include cultural competency training for law enforcement personnel, policy-makers, and other juvenile justice professionals.

In sum, the bill recognizes that regardless of the cause, be it that social and economic disparity, or racism, in a large number of crimes committed by minority youth, additional and important efforts must be directed toward reducing the overrepresentation of minority youth in the juvenile justice system.

C. Sight and sound separation

Separation of juveniles from adults in detention and correctional facilities remains a critical core requirement. This requirement was included along with the provisions to deinstitutionalize status offenders at the inception of the Act. It highlights the general principle that youthful offenders have a right to receive the fundamental protections of the court as *parens patriae*. As such, the youthful offender should be assured of his or her physical and personal security while in detention or confinement.

The Majority correctly notes that the modifications to the principle of sight and sound separation in H.R. 1900 should not be interpreted to mean that Congress has reduced its focus on this core requirement. The changes prohibit “regular” contact but allow for “brief communication or brief visual contact that is accidental or incidental”. However, by improving the flexibility of this requirement, the Minority cautions States not to relax their vigilance in this area. Forty-one States were in full compliance with the current law of sight and sound separation in 1998. The Minority applauds these States and encourages the other States to use the modifications to this provision in order to achieve full compliance with this provision.

D. Removal of juveniles from adults jails

Background

The mandate that requires the removal of juveniles from adult jails and lockups continues to challenge State juvenile justice systems. This bill retains this important mandate to prohibit the housing of juveniles in adult facilities. According to the Bureau of Justice Statistics, 14 States were in full compliance with this provision

²A Columbia University study of Boys & Girls Clubs in public housing projects provides additional proof that prevention programs are effective. Crime in public housing projects with a Boys & Girls Club was 13% lower than in projects without a Club. Additionally, prevalence of drug activity is 22% lower in projects with a Club. And, in Glenarden, Maryland, recreation facilities that combine recreation with life skills workshops are credited with reducing drug related crime by 60%. Also see, Mendel, R. “Prevention of Pork? A Hard-headed Look at Youth-Oriented Anti-Crime Programs.” Washington, D.C.: American Youth Policy Forum, (1995) p. 13.

in 1994. The number of States in compliance has since declined to 11 based on the 1998 Compliance Monitoring Summary.

We recognize the difficulties rural areas are facing with this requirement. H.R. 1900 expands the amount of time during which juveniles can be placed in adult facilities for initial court appearances from 24 hours to 48 hours in rural areas where travel distance or weather would preclude moving the juvenile-to-juvenile facility. We generally regard adult facilities as inappropriate for short or long-term placements for juvenile offenders. Adult facilities tend to be overcrowded and cannot provide the necessary space requirements to separate seriously violent youth from youth who commit lesser offenses. Adult jails also lack juvenile-specific corrections programming, health and mental health services, education services, and recreational activities.

According to testimony offered by Mark Soler, president of the Youth Law Center, before the Senate Youth Violence Subcommittee rural areas can achieve compliance with this provision with a committed effort:

* * * These states have gotten children out of their jails in a variety of ways. Since the great majority of children are taken to jails for status offenses or minor crimes, many jurisdictions have allowed those children to return home, sometimes with close supervision or with electronic monitoring. Jurisdictions have also developed community-based programs for temporary housing of these children, sometimes with specially trained staff. Some have found other property owned by the county and created small secure facilities for the few children who truly need to be locked up. Some have also developed contracts with retired police officers, teachers, or others to supervise arrested youth temporarily, or to transport them to other jurisdictions that have appropriate juvenile facilities. States across the country have worked hard on this issue, and their effort have been rewarded: those that want to comply with the federal regulations and protect their children have been able to do so.

Parental consent exception

The Minority remains concerned about the new rural exception that allows juveniles to be detained or confined in adult facilities when a parent or legal guardian consents. We have yet to receive any justification for this major departure from current law and are not satisfied that the problem requires such a drastic legislative remedy. Given the extreme danger juveniles face in adult facilities—where they are five times more likely to be beaten by staff, eight times more likely to commit suicide, and 50 percent more likely to be attacked with a weapon than a child in a juvenile facility—we are concerned that this provision rolls back the important safeguards established to protect juveniles in the system.

II. FAITH BASED ENTITIES

We support funding for faith-based organizations whose programs are not pervasively sectarian. The Young Men's Christian Association (YMCA), Catholic Charities, and similar organizations

are excellent examples of religious-based organizations that operate government-financed programs that are not pervasively sectarian. Funds from this Act must not be used to carry out programs of religious instruction, proselytization, or other activities that would contravene the Establishment Clause of the First Amendment.

Further, such organizations must not require participants to engage in secular activities as a condition of participation or to be affiliated with a specific religion. And finally, they must not discriminate against participants in programs funded by this Act or discriminate in employment in programs funded by this Act based on religious affiliation.

III. HATE CRIME PREVENTION

The Minority has decidedly different views than the Majority on the issue of hate crime prevention. Current law allows states to expend funds on hate crime prevention programs, authorizes the Administrator to conduct research related to hate crimes, and training and technical assistance on hate crime prevention to persons working with juveniles. H.R. 1900 unwisely reduces these efforts down to a single “allowable use” in the state formula grant. We believe that there should be a strong emphasis on hate crime prevention programs for youth at risk of delinquency and more research, training and technical assistance on how best to combat these deplorable crimes.

Hate crimes are defined in law as offenses that “manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity.” (P.L. 101–275) The Department of Justice reports that the incidence of hate crimes based on race, religion, sexual orientation, disability and gender, has been on the rise since 1991 when data was first collected. Based on the most recent data available, in 1999 there were over 8,000 reported incidents of hate crimes. Crimes motivated by prejudice and intolerance based on race represented the majority of these hate crimes. Because the data collected by the Department of Justice is provided voluntarily by law enforcement agencies, most social science researchers believe that the incidence of hate crimes is underreported.

While the perception is that hate crimes are committed by organized hate groups such as “skinheads”, the research reveals that it is more common that young people, ages 15–25, are the perpetrators. In order to reduce the incidence of hate crimes committed by youth, the Juvenile Justice and Delinquency Prevention Act authorizes funding for school and community based hate crime prevention programs. These programs focus on educating youth, who are school age, in ways that challenge concepts of prejudice and intolerance that are present in various social institutions.

USA Weekend’s “Eighth Annual Back-to-School Survey” (August 18, 1995) polled a representative sample of the nation’s teens regarding their perceptions of race relations in America and the role of their schools in those relations. The survey suggests the urgent need for positive intervention in our schools and communities. Specifically, the survey indicated that:

- 45% of teens have personally experienced prejudice in the past year.

- 84% believe that most people their age carry some form of racial prejudice.
- 43% believe their school does not promote cultural awareness.
- 64% believe students hang out mainly with people of their own race and 44% believe this contributes to racial tension.
- 53% say their friends bear some form of racial prejudice.
- 33% say their teachers carry some form of racial prejudice.

The 1992 American Psychological Association report entitled *Violence and Youth: Psychology's Response*, identified "prejudice and discrimination" as one of the three leading causes of violence among American youth. Teens thirst for mechanisms to decrease racial tension and to develop better conflict resolution skills.

According to a Penn, Shoen & Berland Associates, Inc., poll released by MTV in April 1999, a majority—91 percent—of young people feel that hate crimes are a national crisis and that not enough is being done to prevent them. Seventeen percent of the 12- to 24-years-olds surveyed said they knew someone who had been the victim of a hate crime. Up to 66 percent of students indicated that they had seen or heard negative comments or heard others ridiculed based on race, gender, disability or sexual orientation.

The poll also found that the majority of young people would either be afraid or unwilling to react if confronted with a hate crime and that an overwhelming number of young people did not know about the existence of any community-based campaigns or programs to combat hate crimes. In addition, 62 percent and 38 percent do not believe parents and teachers, respectively, are discussing the issue of hate crimes with them.

The federal government has an essential role to play in increasing awareness of the problem of bias crime, and in sharing information about promising education and counteraction strategies for the wide range of community-based professionals who work and interact with young people, including parents, school personnel, youth service professionals, and law enforcement officials. Federal initiatives can help young people:

- Confront prejudicial attitudes and actions before they escalate.
- Identify, understand, and effectively combat, bias-related incidents and hate crime.
- Enhance students' self-esteem by creating school climates where youth feel secure, accepted, independent, and responsible.
- Build empathy in order for students to connect their own experiences with others.
- Teach youth how to promote critical thinking by identifying stereotypes.
- Teach youth the history of discriminatory behavior and hate crime.
- Provide youth with examples of individuals whose lives counter stereotypes.
- Assist youth in becoming empowered to make positive social change.
- Provide models of respect and care for others.

The Minority encourages the Administrator to use the discretionary authority available to continue funding research, training and technical assistance on how to reduce and prevent hate crimes committed by youth.

IV. FOSTER CARE

Each year, close to one million children in America are victims of abuse and neglect. Child abuse and neglect entails an act or failure to act resulting in imminent risk of serious harm, death, serious physical or emotional harm, sexual abuse or exploitation. In addition to the immediate and short-term harm of child maltreatment, there are long-term consequences of childhood victimization. Child abuse and neglect leads to a high incidence of mental health and behavioral problems. Victims of maltreatment often suffer from depression, anxiety and aggression and often demonstrate self-destructive or self-abusive behavior. Illegal behavior, school problems or failure, and drug or alcohol abuse are also frequent consequences of childhood abuse and neglect. In addition to needing mental health related services, children and youth who are victims of maltreatment, particularly those involved in foster care systems, have many special and complex needs regarding their guardianship, relationships with their parents or caregivers, and plans for permanency and stability.

Many studies repeatedly demonstrate that childhood victimization is a strong risk factor for juvenile delinquency. A study conducted by the Child Welfare League of America found a very strong relationship between child maltreatment and early onset of juvenile delinquency and serious involvement in delinquency. A survey of the 100 youth incarcerated in the California Youth Authority's maximum-security facilities in 1995 found that 42 of the juveniles were known to the child welfare system. A longitudinal study found that being abused or neglected increased the likelihood of arrest as a juvenile by 53% and arrest for violent crime by 38%. This research illustrates that not only is there a link between childhood victimization and juvenile delinquency, but that we are failing to provide the services and treatment that foster care youth need to lead healthy productive lives. It also demonstrates that to successfully prevent juvenile delinquency and recidivism, there must be meaningful collaboration between child welfare and juvenile justice systems and that the special mental health needs and family and permanency plan issues must be considered when serving youth in the juvenile justice system.

Given the clear link between child victimization and juvenile delinquency and given that this link increases the likelihood that youth in the juvenile justice system will have come directly from the child welfare system or will have had past experience with the child welfare system, we are pleased the Committee agrees that a new emphasis is needed that will recognize and address the nexus between these two systems.

H.R. 1900 includes three provisions designed to help states better address the needs of foster care youth who become involved in the juvenile justice system and thereby increase delinquency prevention. First, the bill requires states to set forth the policies and systems they will use to incorporate relevant child protective services records into juvenile justice records for the purposes of establishing and implementing treatment plans for juvenile offenders. Continuity of treatment plans as youth move from child welfare to

juvenile justice is a critical component to ensuring that youth receive the treatment and services they need.

Secondly, states must provide assurances that they will comply with Title IV-E of the Social Security Act as it concerns youth in the juvenile justice system whose placements are paid for with Title IV-E funds. Currently, states are allowed to use this funding stream where appropriate, as long as juveniles are not residing in a locked facility. However, when States choose to use Title IV-E funds for placement of juveniles, they must also provide the mandated IV-E protections to those juveniles, including the development of case plans, periodic reviews, and permanency hearings. An investigation in California conducted by the Office of the Inspector General at Health and Human Services found that youth were not receiving these mandated protections. Requiring states to address this issue in their juvenile justice state plans will help them develop the policies and systems needed to comply with existing law.

We hope that experiencing States will give consideration to providing these services to adjudicated youth who are experiencing child welfare problems but whose placements are not paid for with federal Title IV-E money. Many youth, upon completing their disposition are unable to return home for reasons including: the family's continued involvement with child welfare; continued unsafe conditions in the home; termination of parental rights due to abuse and neglect and unsatisfactory supervision by the parent. For some of these youth, guardianship shifts from juvenile justice to child welfare. But in many instances, state child welfare departments will not take custody of these youth and the youth remain under the care of the juvenile justice system. These youth are housed in facilities such as group homes and detention centers even though their term has been fully served. These youth remain under the jurisdiction of the juvenile courts and have many of the same needs as youth in the foster care system: family preservation case plans; social services such as treatment for mental illness; assistance for transitional living. In order to minimize likelihood of recidivism and maximize positive behavioral outcomes, juvenile justice systems must provide access to these services.

The bill also places new emphasis on collaboration between juvenile justice and child welfare, states should request technical assistance from OJJDP to assist them in determining how best to serve juvenile justice kids who have come from child welfare or for youth who need services similar to those provided by child welfare toward the end of their sentencing.

Finally, we believe it is significant that the bill requires the Secretary to conduct and report a study not later than 1 year after the date of enactment of this bill, with respect to youth in the juvenile justice system who are under the care of the State child welfare system and with respect to juveniles who are unable to return to their family after completing their disposition in the juvenile justice system. Given that childhood victimization greatly increases the likelihood of involvement with the juvenile justice system, it is important that we have more information regarding the characteristics of our juvenile justice system population, including the number of juveniles in the system who were previously involved in child welfare protection systems, the plans for services made and exe-

cuted for these youth, and the services provided these youth as they complete their disposition.

V. BOOT CAMPS

Since its passage in 1974, the Juvenile Justice Act has consistently proven that providing children treatment and rehabilitation in a safe environment serves both the children's well being and increases public safety. In prior reauthorizations, Congress has sought to ensure the health and safety of juveniles by requiring the removal of juveniles from adult jails and lockups, and requiring the separation of juveniles from adult inmates when, for briefs periods of time, the juveniles are placed in adult facilities. Those core protections against physical, sexual, and mental abuses are retained in this bill.

In addition, the bill provides additional protection to juveniles in residential facilities. With this reauthorization, we intend to ensure that juveniles in residential facilities (including boot camps, wilderness camps, or any residential correction programs) are treated in a lawful and humane manner. Thus, the bill requires any youth residential programs receiving funds under the Act to be licensed by the State in which the program operates and to meet that State's standards of discipline that prohibit neglect and physical, sexual, and mental abuse. In addition, youth residential programs enrolling out-of-state children must meet the licensing standards of a child's home State.

In many instances children are served well by youth residential programs intended to divert youth away from the juvenile justice system. However, there are also far too many instances in which children are placed in unlicensed residential programs with incompetent, untrained, and abusive staff resulting in unreasonable restraint, physical, sexual, and mental abuse (including beatings) and, at times, death. For years, residential juveniles programs have committed acts against children that, if committed by a parent, would constitute child abuse. Since 1980, at least 31 teenagers in 11 states have died in residential programs, including three this year.

In an effort to ease overcrowding and curb increasing maintenance costs, most states have developed boot camps, wilderness camps, and other juvenile residential programs as alternative programs for juvenile offenders. However, while the number of residential camps continues to increase, very few states have implemented any licensing requirements. According to the American Correctional Association, many existing boot camp programs have been designed and implemented quickly without any operating policies and procedures. Utah was the first state to regulate boot camps, and only after the death of three young people in the early 1990's. Despite the death of 10 children since 1989, Arizona still has not enacted regulations to govern some of these facilities or protect children sent from other states. Residential facilities operating less than year-round in Arizona requires no licensing.

An egregious case earlier this year demonstrates the urgent need for congressional action to address the mistreatment of children in such unlicensed, poorly staffed and under-supervised placements. On July 1, a young boy died at an Arizona boot camp that was not

licensed by the state. According to the autopsy, the 14-year-old died from complications of near drowning and dehydration. He has been forced to stand in direct sun light for up to five hours in 111 degree heat, ate dirt, and then taken to a motel and left in the tub with the shower running. Tragically, this case is similar to others where juvenile have been subjected to beatings, abusive treatment and other acts at the hands of ill-trained and poorly supervised staff that commit child abuse or worse in the name of rehabilitation and punishment.³ It is past time for Congress to assure that taxpayer funds are not being used to underwrite child abuse in such reprehensible programs.

Any residential program, excluding private residences that are not licensed by the State is ineligible for funds under the Act. In developing licensing standards, States should ensure that residential camp programs protect the safety and rights of children by considering the following: (1) well trained and competent staff with continuing staff development programs; (2) written policy, procedure, and practice that provides that children are not subjected to physical, sexual, or mental abuse, or any punishment that adversely affects a child's health, physical, or psychological well-being; (3) access to health-care services by qualified personnel; (4) access to mental-health services by qualified personnel; (5) a grievance procedure for children and unrestricted access to legal counsel and access to family communications.

All available data have shown that these minimal adequate protections improve the wellbeing of youth, reduce juvenile delinquency, and, overall, benefit the community that will receive the children after their release from residential programs. In short, standards for residential programs are not "unfounded-mandates". They are abuse prevention and life-saving measures and should be regarded, and implemented as such.

VI. PROGRAMS THAT WORK

We are pleased that the Majority has chosen to recognize the value of rigorous scientific research in establishing what works to reduce juvenile crime. It is similarly important to note that retain-

³The following list of abuses and deaths at camps and other residential programs are illustrative of the kind of problems that led the Committee to require licensing standards: *Arizona*: Last month, (July 2001), a 14-year-old boy died at an Arizona desert boot camp after being forced to stand for hours in 114 degrees temperature and eat mud. His mother was told that her son vomited mud before he died. *Florida*: Last February, a 12-year-old died at a boot camp for troubled boys after a 320-pound counselor restrained him on the ground for nearly 30 minutes. *South Dakota*: in July 1999, a 14-year-old girl died after a forced run at a girls boot camp operated by the state. Two staff members were acquitted on child abuse charges in the death and other alleged abuses, including making girls run in shackles until their ankles bled. *Arizona*: A 16-year-old sent to an Arizona by a Sacramento County probation officials, died while being forced to exercise at the camp despite his repeated claims that he was ill and needed medical treatment. *Pasco, FL*: A Miami parent is suing a boot camp for abuse to her 6-year-old son. The boy reported being molested by two older students, being forced to run and do push-ups, and when he couldn't, instructors kicked him. *Detroit, MI*: An Indiana parent filed a \$5 million lawsuit in U.S. District Court in Detroit claiming her 18-year-old son killed himself last year because he never recovered from the trauma of his 1997 stay at the privately operated boot camp in Michigan. The boy was ordered to do push-ups in a sealed room with bleach poured across the floor. *Other boot camp controversies*: Missouri last month charged five instructors at a military-style school with multiple counts of felony child abuse for forcing students to stand in pits of cow manure as punishment for misbehavior. Last December, Maryland's governor ordered two state-run boot camps closed following testimony from juveniles that camp guards had thrown them through windows, stuck thumbs in their eyes and routinely punched and tackled them. Last year, Alabama closed a camp in Mobile for three months after charges of abuse by staffers. In 1998, Ohio's considered closing the state's boot camp after several fatal stabbings.

ing the research and evaluation functions within the Office of Juvenile Justice and Delinquency Prevention is critical to continuing the progress that has been made in developing a substantial body of research on programs proven to reduce youth crime. In recent years, the Blueprint for Violence Prevention project, funded by OJJDP at the Center for the Study and Prevention of Violence in Denver Colorado has reviewed several initiatives and found that programs such as Multisystemic Therapy, Multidimensional Treatment Foster Care, Functional Family Therapy and Bullying Prevention programs are effective approaches for the treatment of juvenile offenders and the reduction of youth violence. The Minority also notes the impressive research on the effectiveness of early childhood education programs in reducing youth crime.

We applaud the Office of Juvenile and Delinquency Prevention for its focus on research and evaluation and encourage it to continue to disseminate information on programs that are based on rigorous scientific research and have been evaluated for their proven effectiveness.

VII. MAINTAINING THE NAME OF THE ACT

We commend the Majority for retaining the original name of the Act. In previous attempts to reauthorize the Act, the Majority proposed changing the name to the “Juvenile Crime Control and Delinquency Prevention Act” in order to respond to concerns about a pending wave of juvenile offenders that must be “controlled” through accountability measures. Earlier measures focused heavily on providing interventions for serious violent youth currently in the juvenile justice system and were sorely lacking in investments in early prevention programs and interventions for non-offenders and first time offenders respectively. Moreover, it was inappropriate to remove the word “justice” from a law that was designed to ensure that children and youth at-risk of delinquency received fair treatment from the courts. Maintaining the current name of the Act and the Office responsible for carrying out its mandates reaffirms Congress intent that children and youth who come into contact with the juvenile courts are entitled to fairness and due process.

CONCLUSION

H.R. 1900 represents a balanced approach to reducing youth crime. The focus on prevention and accountability mirrors what is occurring in state and local juvenile justice systems. The Majority welcomes these positive changes to juvenile crime policy that promote flexibility, a continued emphasis on prevention, early intervention and accountability, while maintaining important protection for juveniles.

GEORGE MILLER.
BETTY MCCOLLUM.
LYNN N. RIVERS.
BOBBY SCOTT.
DONALD D. PAYNE.
HILDA L. SOLIS.
MAJOR R. OWENS.
CAROLYN MCCARTHY.
SUSAN A. DAVIS.
DENNIS KUCINICH.
HAROLD FORD.
ROBERT E. ANDREWS.
PATSY T. MINK.
RUBEN HINOJOSA.
RUSH HOLT.
DALE E. KILDEE.
RON KIND.

